# FEDERAL REGISTER

VOLUME 18 NUMBER 197

Washington, Thursday, October 8, 1953


## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice of proposed rule making with respect to the fixing of salable, surplus, and withholding percentages of walnuts for the 1953–54 marketing year was published in the FEDERAL REGISTER of September 12, 1953 (18 F. R. 5497) pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR, 1952 Rev., Part 984) effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

In said notice, in which it was proposed to fix the salable percentage of merchantable walnuts for the 1953–54 marketing year at 80 percent, the surplus percentage at 20 percent, and the withholding percentage at 25 percent, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to the issuance of the final rule. The Walnut Control Board at its meeting in Los Angeles on September 24, 1953, reviewed and confirmed its recommendation of the aforesaid percentages which were adopted at its meeting in San Francisco on August 21, 1953. No other data, views, or arguments were received within the specified period.

After consideration of all relevant matters, such percentages are hereby fixed as follows:

§ 984.205 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1953–54 marketing year* For merchantable walnuts, during the 1953–54 marketing year, the salable percentage shall be 80 percent, the surplus percentage shall be 20 percent, and the withholding percentage shall be 25 percent.

It is hereby found and determined that good cause exists for making this section effective upon publication in the FEDERAL REGISTER, instead of waiting 30 days after publication, for the reasons that (1) it is desirable that the percentages be fixed prior to any handling of the 1953 crop of walnuts; (2) the handling of 1953 crop walnuts is imminent; and (3) the handler operations under the marketing agreement and order program are such that they will not be required to make any prior preparation with respect to the application of the percentages fixed herein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 2d day of October 1953, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
*Acting Director,*
*Fruit and Vegetable Branch.*

[F. R. Doc. 53-8605; Filed, Oct. 7, 1953; 8:54 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 65 [1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 370.4 *Exportations authorized by government agencies other than*

[1] This amendment was published in Current Export Bulletin No. 715, dated October 1, 1953.

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FEDERAL REGISTER

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.



*OIT* paragraph (e) *Vessels* is amended to read as follows:

(e) *Vessels.* The sale to foreign purchaser and/or transfer to foreign registry of vessels which are owned by citizens of the United States, regardless of size, type of documentation, is subject to the approval of the U. S. Maritime Administration under the authority of sections 9 and 37 of the United States Shipping Act of 1916, as amended (46 U. S. C. 808 and 835; 46 CFR Part 221), except those vessels exported for the purpose of scrapping where there is no change to foreign ownership and/or registry of the vessel so exported. However, for vessels of war, as defined in Presidential Proclamation 2776, and regulations issued thereunder by the Secretary of State (see paragraph (a) of this section), export authorization must be obtained from

both the State Department and the Maritime Administration.[2]

2. Section 371.4 *Reexportation from country of destination* paragraph (b) *Permissive reexportations* is amended to read as follows:

(b) *Permissive reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination: *Provided,* That at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination (excluding Hong Kong, Macao, and Subgroup A countries) under General License GO or GRO, or do not exceed in value the GLV limit shown on the Positive List of Commodities.

3. Section 372.14 *Reexportation from country of destination* paragraph (c) *Reexportations* is amended to read as follows:

(c) *Reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination: *Provided,* That at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination (excluding Hong Kong, Macao, and Subgroup A countries) under General License GO or GRO, or do not exceed in value the GLV limit shown on the Positive List of Commodities.

4. Section 373.40 *Iron and steel* paragraph (a) *Iron and steel products with the processing code STEE* subparagraph (1) *Applicability* is amended to read as follows:

(1) *Applicability.* The provisions of this paragraph are applicable to all iron and steel products on the Positive List with the processing code STEE (except vessels for scrapping abroad as set forth in § 373.53) whether or not subject to the export licensing general policy set forth in § 373.1. (See also § 373.50 for Group 7 commodities with processing code STEE.)

5. A new § 373.53 *Vessels to be scrapped abroad* is added to read as follows:

§ 373.53 *Vessels to be scrapped abroad*—(a) *Applicability.* The scrapping abroad of all vessels of U. S. registry (Schedule B. Nos. 795100, 795115, 795117, 795120, 795125, 795130, 795135, 795140 and 795150), except vessels of war, or the export of such vessels for scrapping abroad, is hereby prohibited unless prior approval is obtained from the Office of International Trade. This prohibition applies even if such vessels are located in foreign waters at the time the decision is made to scrap the vessel or to sell it for scrapping.

[2] All vessels of U. S. registry, except vessels of war, require approval from OIT for scrapping abroad, whether such vessels are located in the U. S. or in foreign waters at the time the decision is made to scrap the vessel or to sell it for scrapping. (See § 373.53 of this subchapter (Comprehensive Export Schedule).)

(b) *Application requirements.* (1) If a vessel covered by paragraph (a) of this section is located in the United States at the time of the decision to scrap or to export it for scrapping, application for license to export such vessel shall be made on Form IT–419. If the vessel is located in foreign waters at the time the decision is made to scrap or to sell it for scrapping, application for permission to scrap such vessel shall be made in the form of a letter addressed to the Office of International Trade, Attention: Materials Division. Such application or letter shall include the following information:

(i) Name, age, gross registered tonnage, and owner of the vessel;

(ii) Current location of the vessel and where vessel will be scrapped;

(iii) Whether vessel will be scrapped by the owner; if not, the name, address and nationality of the purchaser of the vessel;

(iv) The reason for scrapping (e. g., the vessel is over-age, obsolete or damaged);

(v) A complete statement of the end use of the iron and steel scrap to be obtained from the vessel.

(2) In addition, requests by letter shall include the information required on Form IT–419.

(c) *Basis of licensing.* In view of the critical domestic shortage of iron and steel scrap, approval of requests filed under this provision will be limited generally to cases where the scrap cannot be made available economically for use by the U. S. steel industry.

6. Section 373.56 *Human blood plasma* is deleted.

This amendment shall become effective as of October 1, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Office of International Trade.*

[F. R. Doc. 53-8591; Filed, Oct. 7, 1953; 8:51 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 5777]

### PART 3—DIGEST OF CEASE AND DESIST ORDERS

### MAURICE BLATT ET AL.

Subpart—*Misrepresenting oneself and goods*—Business status, Advantages or connections: § 3.1455 *Individual or private business as press or news affiliate;* § 3.1475 *Location; goods*—§ 3.1650 *History of product;* § 3.1685 *Nature;* § 3.1735 *Sample, offer, or order conformance;* § 3.1745 *Source or origin:* Place—In general—§ 3.1755 *Success, use or standing;* § 3.1765 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2060 *Sample, offer or order conformance;* § 3.2090 *Undertakings, in general.* In connection with the offering for sale, sale or distribution of any paper or publication of the type heretofore published by respondent or any other paper or publication of substantially similar makeup and composition and operated in a substantially similar manner, representing (1) that any of said papers or publications is a newspaper or gazette; (2) that any of said papers or publications is a local publication; that it is published in the community where the prospective advertiser resides or does business; or that respondent maintains a bona fide publication office at any place other than Philadelphia; (3) that any of said papers or publications is widely read and circulated, or has a paid circulation, or that it has a circulation of 17,000 or any other designated number unless said number represents the actual number of copies which are distributed; or (4) that paid write-ups or sketches, which are actually advertisements of businesses and individuals, will be published in any column denominated a "Personalities Column"; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Maurice Blatt d. b. a. Washington Weekly Gazette, etc., Philadelphia, Pa., Docket 5777, July 9, 1953]

*In the Matter of Maurice Blatt, an Individual Doing Business as Washington Weekly Gazette, Baltimore Weekly Gazette, Essex County Weekly Gazette, Passaic County Weekly Gazette, Union County Weekly Gazette, and Under Other Trade Names*

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter, the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony and other evidence, and proposed findings as to the facts and conclusions presented by the attorney in support of the complaint, no such findings or conclusions having been filed by counsel for respondent, nor oral argument requested, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order, including order to cease and desist and order of dismissal as to certain allegations of the complaint.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming

[1] Filed as part of the original document.

the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 9, 1953.

Said order to cease and desist is as follows:

*It is ordered,* That the respondent Maurice Blatt, individually or trading as Washington Weekly Gazette, Baltimore Weekly Gazette, Essex County Weekly Gazette, Passaic County Weekly Gazette, Union County Weekly Gazette, Weekly Gazette, Weekly Post, Weekly Tribune, Weekly Times, Blatt Features or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any paper or publication of the type heretofore published by him or any other paper or publication of substantially similar makeup and composition and operated in a substantially similar manner, do forthwith cease and desist from representing:

1. That any of said papers or publications is a newspaper or gazette.

2. That any of said papers or publications is a local publication; that it is published in the community where the prospective advertiser resides or does business; or that respondent maintains a bona fide publication office at any place other than Philadelphia.

3. That any of said papers or publications is widely read and circulated, or has a paid circulation, or that it has a circulation of 17,000 or any other designated number unless said number represents the actual number of copies which are distributed.

4. That paid write-ups or sketches, which are actually advertisements of businesses and individuals, will be published in any column denominated a "Personalities Column."

*It is further ordered,* That the allegations of the complaint referred to in Paragraph Five above be, and the same hereby are dismissed.

By "Decision of the Commission and Order to File Report of Compliance," Docket 5777, September 16, 1953, which announced fruition of said initial decision, report of compliance was required as follows:

*It is ordered,* That the respondent Maurice Blatt shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: September 16, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 53-8599; Filed, Oct. 7, 1953; 8:53 a. m.]

# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

SECURITIES EXEMPTED FROM REGISTRATION

On August 11, 1953, the Securities and Exchange Commission announced that it had under consideration a proposal to amend § 240.12a-1 (Rule X-12A-1) under the Securities Exchange Act of 1934 so that when a national securities exchange merges into or is absorbed by another such exchange bank securities which have been traded on the absorbed or merged exchange pursuant to the exemption provided by the rule may continue to be traded under such exemption on the surviving exchange if the issuer consents. The amendment was proposed at the request of the Philadelphia-Baltimore Stock Exchange and the Washington Stock Exchange which have informed the Commission that they have entered into an arrangement under which the activities of the Washington Stock Exchange will be merged into or absorbed by the Philadelphia-Baltimore Stock Exchange. The Commission has adopted the amendment in the form proposed.

Section 12 (a) of the Securities Exchange Act makes it unlawful for any member of a national securities exchange, or any broker or dealer, to effect any transaction in any security on a national securities exchange unless a registration is effective as to such security for such exchange or such security is exempted from these provisions. Rule X-12A-1 provided an exemption from these requirements for the following bank securities: (1) Securities as to which temporary registration expired on June 30, 1935; (2) securities of the same issued in exchange for or resulting from a modification of such securities; and (3) additional shares of common stock if shares of the same class are exempted by the rule. The rule as amended extends the scope of the exemption so that when a national securities exchange merges into or is absorbed by another exchange the exemption which was available for such securities on the merged or absorbed exchange will continue in effect on the surviving exchange if such exchange promptly certifies to the Commission that it has approved the security for trading upon the application or consent of the issuer.

*Statutory basis.* Paragraph (a) of Rule X-12A-1 is amended pursuant to the Securities Exchange Act of 1934, particularly sections 3 (a) (12) 12 (a) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it under the act. The Commission finds that the amendment has the effect of relieving restriction or granting exemption and that it may be declared effective immediately under section 4 (c) of the Administrative Procedure Act.

*Text of amendment.* Section 240.12a-1 (a) is amended as follows:

§ 240.12a-1 *Temporary exemption from section 12 (a) of certain securities of banks.* (a) (1) The following securities of banks shall be exempt from the operation of section 12 (a) to and including the one hundred and twentieth day after the adoption of a form specifically prescribed for such securities: (i) Securities as to which temporary registration expired on June 30, 1935; (ii) securities of the same issuer heretofore or hereafter issued in exchange for, or resulting from a modification of, any securities exempted from the operation of section 12 (a) of the act by this section; and (iii) additional shares of common stock, heretofore or hereafter issued, if common stock of the same issuer and of the same class is exempted from the operation of section 12 (a) by this section.

(2) When a national securities exchange absorbs another such exchange on which a security is traded pursuant to the exemption provided by this section, the exemption shall continue in effect with respect to such security on the surviving exchange: *Provided,* That the surviving exchange promptly certifies to the Commission that it has approved the security for trading upon the application or consent of the issuer thereof.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 12, 48 Stat. 882, 892; 15 U. S. C. 78c, 78l)

Effective: September 29, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 29, 1953.

[F. R. Doc. 53-8590; Filed, Oct. 7, 1953; 8:51 a. m.]

# TITLE 31—MONEY AND FINANCE: TREASURY

## Chapter II—Fiscal Service, Department of the Treasury

### Subchapter B—Bureau of the Public Debt

[1953 Dept. Circ. 931]

PART 335—OFFERING AND SPECIAL REGULATIONS GOVERNING TREASURY SAVING NOTES, SERIES C

OCTOBER 1, 1953.

SUBPART A—OFFERING OF NOTES



SUBPART B—DESCRIPTION OF NOTES



SUBPART C—PURCHASE OF NOTES

SUBPART D—PRESENTATION IN PAYMENT OF TAXES



SUBPART E—CASH REDEMPTION AT OR BEFORE MATURITY



SUBPART F—PAYMENT OR REISSUE TO OTHER THAN INSCRIBED OWNER



SUBPART G—GENERAL PROVISIONS



AUTHORITY: §§ 335.1 to 335.32 issued under sec. 1, 40 Stat. 288, as amended; 31 U. S. C. 752.

SUBPART A—OFFERING OF NOTES

§ 335.1 *General.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale to the people of the United States, at par and accrued interest as provided in § 335.11, an issue of notes of the United States designated Treasury Savings Notes, Series C, which notes, if inscribed in the name of a Federal taxpayer, will be receivable as hereinafter provided at par and accrued interest in payment of income, estate and gift taxes imposed by the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes may also be redeemed for cash at par and accrued interest, with certain exceptions applicable to banking institutions, as provided in § 335.15.

§ 335.2 *Duration of offer.* The sale of notes of Series C offered by this part will begin on October 1, 1953, and will continue until terminated by the Secretary of the Treasury.

§ 335.3 *Definitions.* (a) The word "month" as used in this part means the period from and including the 15th day of any one calendar month to but not including the 15th day of the next succeeding month.

(b) The words "issue date" mean the date as of which a note is issued and will always be the 15th day of a calendar month.

(c) The words "interest accrual date" or "accrual date" mean the date upon which a month's interest accrues on a note, the first accrual date being the 15th day of the calendar month next following the issue date.

SUBPART B—DESCRIPTION OF NOTES

§ 335.4 *General.* Treasury Savings Notes, Series C, will in each instance be dated as of the 15th day of a calendar month. The issue date will be determined by the day of the month on which payment at par and accrued interest, if any, is received and credited by an agency authorized to issue the notes. For example, payment received and credited on any day during the period from and including October 1, 1953, to and including October 14, 1953, would result in the issue of notes dated September 15, 1953. They will mature two years from that date and may not be called by the Secretary of the Treasury for redemption before maturity. All notes bearing issue dates within any one calendar year shall constitute a separate series indicated by the letter "C" followed by the year of maturity. At the time of issue the issuing agency will inscribe on the face of each note the name and address of the owner, will enter the issue date and will imprint its dating stamp (with current date). The notes will be issued in denominations of $100, $500, $1,000, $5,000, $10,000, $100,000, $500,000, and $1,000,000. Exchange of authorized denominations from higher to lower, but not from lower to higher, may be arranged at any agency that issues Treasury Savings Notes, Series C.

§ 335.5 *Acceptance for taxes or cash redemption.* If inscribed in the name of an individual, corporation, or other entity paying income, estate or gift taxes imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto, the notes will be receivable, subject to the provisions of § 335.14, at par and accrued interest, in payment of such income, estate or gift taxes assessed against the owner or his estate. If not presented in payment of taxes, or if not inscribed in the name of a taxpayer liable to the above-described taxes, and subject to the provisions of § 335.15, the notes will be payable at maturity, or at the owner's option and request they will be redeemable before maturity at par and accrued interest.

§ 335.6 *Interest.* Interest on each $1,000 principal amount of Treasury Savings Notes, Series C, will accrue monthly on the 15th calendar day of each month after the issue date on a graduated scale. Interest accruals on the notes first issued under this part shall be as follows:

| | Each month |
|---|---|
| First to sixth month, inclusive | $1.30 |
| Seventh to twelfth months, inclusive | 1.90 |
| Thirteenth to eighteenth months, inclusive | 2.10 |
| Nineteenth to twenty-fourth months, inclusive | 2.20 |

The Secretary of the Treasury may at any time terminate the issuance of notes under this part with interest accruals as provided in this section, and may at any time, or from time to time, authorize the issuance of additional notes under this part with such other interest accruals as he may prescribe. The table appended to this part shows for notes of each denomination, for each consecutive month after issue date to maturity, (a) the amount of interest accrual, (b) the principal amount of the note with accrued interest (cumulative) added, and (c) the approximate investment yields. Subject to the provisions of §§ 335.14 and 335.15, when Treasury Savings Notes, Series C, are to be paid on an interest accrual date, the payment will include interest accruing on that date; otherwise, interest will be paid only to the interest accrual date next preceding the date of payment. Interest will be paid only with the principal amount, and will not accrue beyond the maturity date of the note.

§ 335.7 *Forms of inscription.* Treasury Savings Notes, Series C, may be inscribed in the name of an individual, corporation, unincorporated association or society, or a fiduciary (including trustees under a duly established trust where the notes would not be held as security for the performance of a duty or obligation), whether or not the inscribed owner is subject to taxation under the Internal Revenue Code, or laws amendatory or supplementary thereto. They may also be inscribed in the name of a town, city, county or State or other governmental body and in the name of a partnership, but notes in the name of a partnership are not acceptable in payment of taxes, since a partnership is not a taxpaying entity under the Internal Revenue Code. The notes will not be inscribed in the names of two or more persons as joint owners or coowners; or in the name of a public officer, whether or not named as trustee, where the notes would in effect be held as security for the performance of a duty or obligation.

§ 335.8 *Restrictions on transfer.* Except as otherwise specifically provided in this part, the notes may not be transferred, reissued, hypothecated, or pledged as security, may not be paid to any person other than the owner, and may not be accepted in payment of Federal income, estate, or gift taxes assessed against any person other than the owner. The notes will not be acceptable to secure deposits of public moneys.

§ 335.9 *Taxation.* Income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

SUBPART C—PURCHASE OF NOTES

§ 335.10 *Offical agencies.* In addition to the Treasury Department, the Federal Reserve Banks and their Branches are hereby designated agencies for the issue and redemption of Treasury Savings Notes, Series C. The Secretary of the Treasury, from time to time, in his discretion, may designate other agencies for the issue of the notes,

or for accepting applications therefor, or for making payments on account of the redemption thereof.

§ 335.11 *Applications and payment.* Applications will be received by the Federal Reserve Banks and Branches and by the Treasurer of the United States, Washington, D. C. Banking institutions generally may submit applications for the account of customers but only the Federal Reserve Banks, their Branches and the Treasury Department are authorized to act as official agencies. The use of an official application form is desirable but not necessary. Such forms may be obtained upon request from any Federal Reserve Bank or Branch or the Treasurer of the United States. Every application must be accompanied by payment in full, at par and accrued interest, if any. The amount of accrued interest payable by the purchaser will be computed at the rate at which interest accrues on the notes ($1.30 per month per $1,000 par amount) for the actual number of days from but not including the issue date to and including the date funds are credited to the account of the Treasurer of the United States. For example, if funds are credited on the 20th day of January the issue date will be January 15, and five days' accrued interest must be paid by the purchaser. If collection is delayed so that credit is not given until February 15, the issue date will be February 15, and no accrued interest will be collectible. One day's accrued interest for a thirty-one day period is $0.04194 per $1,000, for a thirty-day period $0.04333 per $1,000, for a twenty-nine day period $0.04483 per $1,000, and for a twenty-eight day period $0.04643 per $1,000. Any form of exchange, including personal checks, will be accepted, subject to collection, and should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as payee, as the case may be. Any depositary qualified pursuant to the provisions of Treasury Department Circular No. 92, Revised (Part 203 of this chapter) as amended, will be permitted to make payment by credit for notes applied for on behalf of itself or its customers up to any amount for which it shall be qualified in excess of existing deposits.

§ 335.12 *Reservations.* The Secretary of the Treasury reserves the right to reject any application in whole or in part, and to refuse to issue or permit to be issued under this part any notes in any case or in any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. If an application is rejected, in whole or in part, any payment received therefor will be refunded.

§ 335.13 *Delivery of notes.* Upon acceptance of a full-paid application, notes will be duly inscribed and, unless delivered in person, will be delivered, at the risk and expense of the United States at the address given by the purchaser, by mail, but only within the United States, its territories and island possessions, and the Canal Zone. No deliveries elsewhere will be made.

SUBPART D—PRESENTATION IN PAYMENT OF TAXES

§ 335.14 *Presentation in payment of taxes.* At any time after two months from the issue date, during such time and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, notes issued under this part in the name of a Federal taxpayer, may be presented by such taxpayer, his agent or his estate for credit against any income (current and back, personal and corporation taxes, and excess profits taxes) or any estate or gift taxes (current and back) imposed by the Internal Revenue Code, or laws amendatory or supplementary thereto, assessed against the inscribed owner or his estate. For example, a note dated January 15 may be presented for credit against taxes due March 15. The notes will be receivable by the District Director of Internal Revenue at par and accrued interest to the day (but no accrual beyond maturity) when the taxes are due, if such day falls on the 15th day of a calendar month, whether the notes are received on or before that day. If the taxes are due on any other day of the month than the 15th, accrued interest will be credited to the accrual date next preceding the day when the taxes are due. Notes are receivable only in payment of taxes equal to or exceeding the entire value of the notes, including accrued interest. The notes may be forwarded to the District Director at the risk and expense of the owner and, for his protection, should be forwarded by registered mail, if not presented in person. The notes may also be deposited with a Federal Reserve Bank or Branch and a receipt obtained therefor which may be forwarded to the District Director in lieu of the notes.

SUBPART E—CASH REDEMPTION AT OR BEFORE MATURITY

§ 335.15 *General.* Any Treasury Savings Note, Series C, not presented in payment of taxes will be paid at maturity, or, at the option and request of the owner, and without advance notice, will be redeemed before maturity at any time after four months from the issue date. For example, a note dated January 15 may be redeemed for cash on or after May 15. If redemption prior to maturity is requested on an interest accrual date the redemption will include interest accruing on that date, otherwise redemption will be at par and accrued interest to the interest accrual date next preceding the redemption date, except in the case of a note inscribed in the name of a bank that accepts demand deposits, in which case payment, whether at or before maturity, will be made only at par, with a refund of any accrued interest which may have been paid at the time of purchase of the note. If a note is acquired by a banking institution through forfeiture of a loan, payment will be made at par and the accrued interest payable as of the date of acquisition.

§ 335.16 *Execution of request for payment.* The owner in whose name the note is inscribed must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign and complete the request for payment appearing on the back of the note. After the request for payment has been executed, the witnessing officer should execute the certificate provided for his use.

§ 335.17 *Officers authorized to certify requests for payment.* All officers authorized to certify requests for payment of United States Savings Bonds, as set forth in Treasury Department Circular No. 530, Seventh Revision (Part 315 of this subchapter) as amended, are hereby authorized to certify requests for cash redemption of Treasury savings notes issued under this part. Such officers include, among others, United States Postmasters, certain other post office officials, officers of all banks and trust companies incorporated in the United States or its territories, including officers at branches thereof, and commissioned and warrant officers of the Armed Forces of the United States.

§ 335.18 *Presentation and surrender* Notes bearing properly executed requests for payment must be presented and surrendered to any Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington 25, D. C., at the expense and risk of the owner. For the owner's protection, notes should be forwarded by registered mail, if not presented in person.

§ 335.19 *Partial redemption.* Partial cash redemption of a note, corresponding to an authorized denomination, may be made in the same manner as full cash redemption, appropriate changes being made in the request for payment. In case of partial redemption of a note, the remainder will be reissued in the same name and with the same issue date as the note surrendered.

§ 335.20 *Payment.* Payment of any note, either at maturity or on redemption before maturity, will be made by any Federal Reserve Bank or Branch or the Treasurer of the United States, following clearance with the agency of issue, which will be obtained by the agency to which the note is surrendered. Payment will be made by check drawn to the order of the owner, and mailed to the address given in his request for payment, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

SUBPART F—PAYMENT OR REISSUE TO OTHER THAN INSCRIBED OWNER

§ 335.21 *Presentation and surrender* A note may be paid or reissued in accordance with any of the provisions of this subpart only upon the presentation and surrender of the note at the risk and expense of the owner to the issuing agency, accompanied by an appropriate request for the particular transaction.

§ 335.22 *Authorized transfers*—(a) *Between husband and wife.* A note inscribed in the name of a married man may be reissued in the name of his wife, and a note inscribed in the name of a married woman may be reissued in the name of her husband.

(b) *Between affiliated corporations.* A note inscribed in the name of a parent corporation, which is hereby defined as a corporation owning more than 50 percent of the stock, with voting power, of another corporation, may be reissued in the name of a subsidiary, and a note registered in the name of a subsidiary may be reissued in the name of the parent corporation.

§ 335.23 *Authorized pledge.* A note may be pledged as collateral for a loan from a banking institution, and if title thereto is acquired by the institution because of default in the payment of the loan, the notes will be redeemed at par and accrued interest to the interest accrual date next preceding the date of such acquisition, unless acquired on an interest accrual date, in which case redemption will be made at par and accrued interest to that date. Proof of the date of acquisition must be furnished, and payment must be requested by the pledgee under a power of attorney given by the pledgor in whose name the note is inscribed. The note will not be transferred to the pledgee.

§ 335.24 *Payment to representatives of deceased or incompetent owners and payment or reissue to heirs or legatees of deceased owners.* In case of the death or disability of an individual owner, if the notes are not to be presented in payment of taxes, payment will be made to the duly constituted representative of his estate, or they may be paid or reissued to one or more of his heirs or legatees upon satisfactory proof of their right; but no reissue will be made in the names of two or more persons jointly or as coowners.

§ 335.25 *Payment or reissue to successors of corporations, unincorporated associations or partnerships.* If a corporation or unincorporated body in whose name notes are inscribed is dissolved, consolidated, merged or otherwise changes its organization, the notes may be paid to or reissued in the name of, those persons or organizations lawfully entitled to the assets of such corporation or body by reason of such change in organization.

§ 335.26 *Payment to representatives of bankrupt or insolvent owners.* If an owner of notes is declared bankrupt or insolvent, payment, but not reissue, will be made to the duly qualified trustee, receiver or similar representative if the notes are submitted with satisfactory proof of his appointment and qualification.

§ 335.27 *Payment as a result of judicial proceedings.* Payment, but not reissue, will be made as a result of judicial proceedings in a court of competent jurisdiction, if the notes are submitted with proper proof of such proceedings and their finality.

§ 335.28 *Instructions and information.* Before executing the request for payment or submitting the notes under the provisions of this subpart, instructions should be obtained from a Federal Reserve Bank or Branch or from the Treasury Department, Division of Loans and Currency, Washington 25, D. C.

SUBPART G—GENERAL PROVISIONS

§ 335.29 *Regulations.* Except as provided in this part, the notes issued under this part will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing bonds and notes of the United States; the regulations currently in force are contained in Department Circular No. 300 (Part 306 of this subchapter), as amended.

§ 335.30 *Loss, theft or destruction.* In case of the loss, theft or destruction of a savings note immediate notice (which should include a full description of the note) should be given the agency which issued the note and instructions should be requested as to the procedure necessary to secure a duplicate.

§ 335.31 *Fiscal agents.* Federal Reserve Banks and their Branches, as fiscal agents of the United States, are authorized to perform such services or acts as may be appropriate and necessary under the provisions of this part and under any instructions given by the Secretary of the Treasury, and they may issue interim receipts pending delivery of the definitive notes.

§ 335.32 *Amendments.* The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this part, or of any amendments or supplements thereto, and may at any time or from time to time prescribe amendatory rules and regulations governing the offering of the notes, information as to which will promptly be furnished to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
*Secretary of the Treasury.*

TREASURY SAVINGS NOTES—SERIES C

TABLE OF TAX-PAYMENT OR REDEMPTION VALUES AND INVESTMENT YIELDS ON NOTES ISSUED FROM OCTOBER 1, 1953 UNTIL FURTHER NOTICE

The table below shows for each month from issue date to maturity date the amount of interest accrual; the principal amount with accrued interest added, for notes of each denomination; the approximate investment yield on the par value from issue date to the 15th of each month following the issue date; and the approximate investment yield on the current redemption value from the 15th of the month indicated to the maturity date.

NOTE. The word "month" as used in this table means the period from and including the 15th day of any one calendar month to but not including the 15th day of the next succeeding month.

| Par value | $100 | $500 | $1,000 | $5,000 | $10,000 | $100,000 | $500,000 | $1,000,000 | Approximate investment yield on par value from issue date to beginning of each monthly period thereafter | Approximate investment yield on current tax-payment or redemption values from beginning of each monthly period to maturity |
|---|---|---|---|---|---|---|---|---|---|---|
| Amount of interest accrual each month after issue month | Tax-payment or redemption values during each monthly period after issue month [1] | | | | | | | | | |
| | | | | | | | | | *Percent* | *Percent* |
| Interest accrues at rate of $1.50 per month per $1,000 par amount: | | | | | | | | | | |
| 1st month | $100.13 | $500.65 | $1,001.30 | $5,006.50 | $10,013 | $100,130 | $500,650 | $1,001,300 | 1.56 | [2] 2.21 |
| 2d month | 100.25 | 501.25 | 1,002.50 | 5,012.50 | 10,025 | 100,250 | 501,250 | 1,002,500 | 1.56 | 2.24 |
| 3d month | 100.38 | 501.85 | 1,003.70 | 5,018.50 | 10,037 | 100,370 | 501,850 | 1,003,700 | 1.56 | 2.27 |
| 4th month | 100.52 | 502.60 | 1,005.20 | 5,026.00 | 10,052 | 100,520 | 502,600 | 1,005,200 | 1.56 | 2.31 |
| 5th month | 100.65 | 503.25 | 1,006.50 | 5,032.50 | 10,065 | 100,650 | 503,250 | 1,006,500 | 1.56 | 2.33 |
| 6th month | 100.78 | 503.90 | 1,007.80 | 5,039.00 | 10,078 | 100,780 | 503,900 | 1,007,800 | 1.56 | 2.43 |
| Interest accrues at rate of $1.80 per month per $1,000 par amount: | | | | | | | | | | |
| 7th month | 100.97 | 504.85 | 1,009.70 | 5,048.50 | 10,097 | 100,970 | 504,850 | 1,009,700 | 1.63 | 2.44 |
| 8th month | 101.10 | 505.50 | 1,011.00 | 5,055.00 | 10,110 | 101,100 | 505,500 | 1,011,000 | 1.74 | 2.45 |
| 9th month | 101.35 | 506.75 | 1,013.50 | 5,067.50 | 10,135 | 101,350 | 506,750 | 1,013,500 | 1.80 | 2.45 |
| 10th month | 101.61 | 507.70 | 1,015.40 | 5,077.00 | 10,154 | 101,540 | 507,700 | 1,015,400 | 1.84 | 2.43 |
| 11th month | 101.73 | 508.65 | 1,017.30 | 5,086.50 | 10,173 | 101,730 | 508,650 | 1,017,300 | 1.88 | 2.50 |
| 12th month | 101.92 | 509.60 | 1,019.20 | 5,096.00 | 10,192 | 101,920 | 509,600 | 1,019,200 | 1.91 | 2.52 |
| Interest accrues at rate of $2.10 per month per $1,000 par amount: | | | | | | | | | | |
| 13th month | 102.13 | 510.65 | 1,021.30 | 5,106.50 | 10,213 | 102,130 | 510,650 | 1,021,300 | 1.93 | 2.52 |
| 14th month | 102.34 | 511.70 | 1,023.40 | 5,117.00 | 10,234 | 102,340 | 511,700 | 1,023,400 | 1.99 | 2.52 |
| 15th month | 102.55 | 512.75 | 1,025.50 | 5,127.50 | 10,255 | 102,550 | 512,750 | 1,025,500 | 2.02 | 2.53 |
| 16th month | 102.70 | 513.50 | 1,027.00 | 5,135.00 | 10,270 | 102,700 | 513,500 | 1,027,000 | 2.05 | 2.53 |
| 17th month | 102.97 | 514.85 | 1,029.70 | 5,148.50 | 10,297 | 102,970 | 514,850 | 1,029,700 | 2.08 | 2.54 |
| 18th month | 103.18 | 515.90 | 1,031.80 | 5,159.00 | 10,318 | 103,180 | 515,900 | 1,031,800 | 2.10 | 2.55 |
| Interest accrues at rate of $2.20 per month per $1,000 par amount: | | | | | | | | | | |
| 19th month | 103.40 | 517.00 | 1,034.00 | 5,170.00 | 10,340 | 103,400 | 517,000 | 1,034,000 | 2.12 | 2.[illegible] |
| 20th month | 103.62 | 518.10 | 1,036.20 | 5,181.00 | 10,362 | 103,620 | 518,100 | 1,036,200 | 2.15 | 2.[illegible] |
| 21st month | 103.84 | 519.20 | 1,038.40 | 5,192.00 | 10,384 | 103,840 | 519,200 | 1,038,400 | 2.16 | 2.53 |
| 22d month | 104.08 | 520.40 | 1,040.80 | 5,204.00 | 10,408 | 104,080 | 520,400 | 1,040,800 | 2.18 | 2.55 |
| 23d month | 104.25 | 521.40 | 1,042.80 | 5,214.00 | 10,428 | 104,280 | 521,400 | 1,042,800 | 2.20 | 2.55 |
| Maturity | 104.50 | 522.50 | 1,045.00 | 5,225.00 | 10,450 | 104,500 | 522,500 | 1,045,000 | 2.21 | ---------- |

[1] Not acceptable in payment of taxes until after the second month from issue date, and not redeemable for cash until after the fourth month from issue date.

[2] Approximate investment yield for entire period from issue date to maturity.

[F. R. Doc. 53-8513; Filed, Oct. 1, 1953; 3:55 p. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter IV—Joint Regulations of the Armed Forces

### Subchapter A—Armed Services Procurement Regulation

### PART 402—PROCUREMENT BY NEGOTIATION

MISCELLANEOUS AMENDMENTS

The effect of the changes to this Part 402 as set forth in the new Subpart F is to reduce administrative costs of purchases not exceeding $1,000 in amount by simplifying procedures and eliminating costly practices.

1. Sections 402.000, 402.203, 402.203–1 and 402.203–2 are amended to read as follows:

§ 402.000 *Scope of part.* This part sets forth, on the basis of the provisions of and authority contained in the act, (a) the basic requirements for the procurement of supplies and services by means of negotiation, (b) the different circumstances under which negotiation is permitted, (c) determinations and findings that may be required to be made before a contract is entered into by negotiation, (d) approved types of negotiated contracts and their use, (e) the authority for making advance payments under negotiated contracts, and (f) procedures for effecting purchases not in excess of $1,000.

§ 402.203 *Purchases not in excess of $1,000.*

§ 402.203–1 *Authorization.* Pursuant to the authority of section 2 (c) (3) of the act, purchases and contracts may be negotiated without formal advertising if:

* * * the aggregate amount involved does not exceed $1,000.

§ 402.203–2 *Application.* Purchases or contracts aggregating $1,000 or less shall be made in accordance with Subpart F of this part.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

2. A new subpart has been added as follows:

SUBPART F—SMALL PURCHASES



AUTHORITY: §§ 402.600 to 402.609 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat, 21; 41 U. S. C. Sup. 151–161.

SUBPART F—SMALL PURCHASES

§ 402.600 *Scope of subpart.* This subpart deals with the purchase of supplies and services (other than personal) when the aggregate amount involved in any one transaction does not exceed $1,000. Such purchases shall be termed "small purchases." This subpart is not applicable to supplies or services required to be procured in accordance with Parts 403 and 404 of this subchapter.

§ 402.601 *Purpose.* The objective of the simplified purchase methods prescribed in this subpart is to reduce the administrative costs in accomplishing small purchases and to eliminate costly and time-consuming paper processes. This objective can be accomplished only by effective application of these simplified purchase methods at operating levels and through continued study of small purchase practices at all procurement levels.

§ 402.602 *Policy.* (a) All small purchases shall be accomplished by negotiation.

(b) Any one of the purchase methods set forth in this subpart, which is determined to be most suitable to the immediate requirement and which will accomplish the procurement in the most efficient and economical manner, shall be utilized.

(c) In arriving at the aggregate amount involved in any one transaction, there must be included all supplies and services which would properly be grouped together in a single transaction, and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. Requirements aggregating more than $1,000 shall not be broken down into several purchases which are less than $1,000 merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under this subpart.

§ 402.603 *Competition.* Reasonable solicitation of quotations from qualified sources of supply shall be secured in order to assure that the procurement is made to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers or the number of suppliers in the local trade area, whichever is less. Where the prices are considered to be reasonable, small purchases not exceeding $100 may be accomplished without securing competition, but such purchases shall be distributed equitably over a period of time among qualified suppliers. Solicitation of quotations will generally be effected orally. Written solicitation will be used only in such circumstances as where (a) the suppliers are located outside the local area, (b) special specifications are involved, or (c) a large number of items are included in a single proposed procurement.

§ 402.604 *Imprest funds (petty cash) method.* Imprest funds are funds not exceeding $5,000 advanced by a disbursing officer to a duly authorized agent for the "spot-cash" payment for small quantities of supplies or services (other than personal)

§ 402.604–1 *Conditions for use.* Imprest funds shall be used in accomplishing small purchases whenever all of the following conditions are present:

(a) The transaction is not in excess of $100;

(b) The supplies or services are immediately available from the local trade area, with cash payment to be made immediately upon pick up or delivery, whether at the supplier's place of business or at destination;

(c) The purchase does not require detailed technical specifications or technical inspection; and

(d) The use of imprest funds is administratively more economical and efficient than other small purchase methods.

§ 402.604–2 *Documentation.* Except as hereinafter provided, no purchase order shall be issued where cash payment is to be made from imprest funds. However, all such purchases shall be supported either (a) by a sales document of the vendor, such as an original bill, sales slip, cash register ticket, or invoice, or (b) by U. S. Standard Form No. 1165 (Receipt for Cash—Subvoucher), or equivalent authorized form, any of which shall itemize the supplies or services purchased and the amount paid, and must be signed by the vendor or his agent so as to acknowledge receipt of payment. Where the purchase amount is less than $3 and it is impossible to secure a sales document of the vendor, the Government employee making the purchase shall execute a Standard Form No. 1165 (or equivalent authorized form) In those instances where a purchase document is required by the vendor to obtain Government discounts or tax exemption or for other purposes, any authorized appropriate form may be used and shall be endorsed "Payment to be made in cash," if the vendor is to make delivery, or "Ship C. O. D.," if shipment is by parcel post or carrier.

§ 402.605 *Order - invoice - voucher method.* Standard Form 44, Revised, (Purchase Order-Invoice-Voucher) consists of four copies, i. e., a seller's invoice, seller's copy of invoice, receiving report, and memorandum copy. The use of an additional copy is authorized when essential to operating procedures.

§ 402.605–1 *Limitations on use.* Standard Form 44, Revised, is authorized for accomplishing small purchases only when all of the following conditions are satisfied:

(a) The transaction is not in excess of $1,000;

(b) The supplies or services are immediately available from the local trade area;

(c) One delivery and one payment will be made; and

(d) The use is determined to be more economical and efficient than other small purchase methods.

§ 402.605–2 *Examples of use.* Examples as to the appropriate use of Standard Form 44 are as follows: (a) Over-the-counter purchases, (b) purchases made by authorized individuals while away from the purchasing office; and (c) purchases at isolated stations.

§ 402.606 *Blanket purchase order method.* The blanket purchase order

method provides a means of establishing "charge accounts" with qualified sources of supply to cover anticipated small purchases, as required, of readily available items of the same general category, and obviates the need for the issuance of a multiplicity of individual purchase orders for small quantities of supplies. Any appropriate purchase order form may be used. To the extent practicable, blanket purchase orders for like items may be placed concurrently with more than one supplier and, over a period of time, such orders shall be equitably distributed among different suppliers. When placing a blanket purchase order, appropriate arrangements shall be made so that the supplier's established price lists and discounts will apply to all calls issued against the blanket order. Calls shall generally be made only orally, except that informal memoranda may be used when oral communication cannot be accomplished.

§ 402.606–1 *Conditions for use.* Blanket purchase orders are authorized in accomplishing small purchases when:

(a) There is a repetitive need for small quantities of supplies or services of closely related types, such as electrical supplies, plumbing supplies, repair parts or services, or miscellaneous items of hardware.

(b) The maximum aggregate monetary value of all calls to be issued against one blanket purchase order will not exceed $1,000 and the maximum period of time covered by the order does not exceed one month.

(c) The supplies or services are readily available from the local trade area.

(d) The use of individual purchase orders is deemed more costly administratively to the Government.

§ 402.606–2 *Preparation of order.* Blanket purchase orders shall contain provisions relating to the following, as appropriate:

(a) Authorization to the supplier to furnish supplies or services, described therein in general terms, if and when called for by the Contracting Officer or his authorized representative during a specified monthly period and within a stipulated aggregate amount not in excess of $1,000;

(b) The submission by the supplier of a single itemized invoice covering all deliveries made under the blanket purchase order upon expiration of the specified monthly period or upon the obligation of all monies authorized under the order, whichever is first, with payment to be made on the basis of this one invoice;

(c) Appropriate language as will clearly establish that the Government is obligated only to the extent of such calls as are actually made against the blanket purchase order; and

(d) A requirement that all delivery tickets issued by the supplier shall fully identify the blanket purchase order and the call under which the supplies are being delivered.

§ 402.606–3 *Fiscal and accounting.* Blanket purchase orders placed with suppliers shall be regarded as commitments of funds, and not as obligations. The Contracting Officer shall maintain or cause to be maintained only informal records of the calls made against blanket purchase orders, so as to insure that the designated monetary limitations are not exceeded. Numerous postings of obligations can be eliminated by summary posting at the end of the month of the total dollar value of all calls made against the particular orders.

§ 402.607 *Use of Department of Defense or departmental procurement forms.* This subpart does not preclude the use for small purchases of other Department of Defense or departmental purchase order forms. The procurement form or method to be utilized shall be such as will accomplish the small purchase in the most efficient and economical manner. Where necessary, small purchases may also be effected by the use of a negotiated (two-party) formal contract, as, for example, where the procurement is (a) classified, or (b) requires specific contract provision relating to technical inspection or test, specifications changes, Government-furnished property, insurance, patents, price adjustment or the like.

§ 402.608 *Delegation of purchase authority.* Subject to the policies and procedures set forth in this subpart, the authority to make small purchases, particularly with respect to the imprest fund and order-invoice-voucher methods, shall be delegated to using activities or stations to the maximum extent practicable. In each case, however, the scope and limitations applicable to such delegations shall be clearly defined in writing.

§ 402.609 *Purchase data.* In addition to records required by departmental procedures, Contracting Officers may deem it necessary to maintain, for their own use, administrative data pertaining to purchase transactions, such as notations of bid solicitations, etc. Such records shall be held to an absolute minimum.

J. C. HOUSTON, Jr.,
*Special Assistant to the Assistant Secretary of Defense, Supply and Logistics.*

[F. R. Doc. 53–8569; Filed, Oct. 7, 1953; 8:45 a. m.]

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## PART 406—CONTRACT CLAUSES AND FORMS

### CLAUSES TO BE USED WHEN APPLICABLE

Several references are changed in the following sections.

§ 406.104 *Clauses to be used when applicable.*

§ 406.104–1 *Davis-Bacon Act.* In accordance with the requirements of Subpart D of Part 411 of this subchapter, insert the applicable contract clauses set forth in § 411.403–1 or § 411.403–4 of this subchapter, as the case may be.

§ 406.104–2 *Copeland Act.* In accordance with the requirements of Subpart D of Part 411 of this subchapter, insert the applicable contract clauses set forth in § 411.403–1 or § 411.403–4 of this subchapter, as the case may be.

J. C. HOUSTON, Jr.,
*Special Assistant to the Assistant Secretary of Defense, Supply and Logistics.*

[F. R. Doc. 53–8571; Filed, Oct. 7, 1953; 8:46 a. m.]

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## PART 411—LABOR

### MISCELLANEOUS AMENDMENTS

Subparts C, D, and E of Part 411 have been revised and consolidated into new Subparts C and D to give effect to Department of Labor regulations on the subject of contract clauses relating to labor standards, for insertion into construction contracts.

SUBPART C—EIGHT-HOUR LAW OF 1912 (OTHER THAN CONSTRUCTION CONTRACTS)

Sec.



AUTHORITY: §§ 411.300 to 411.303–2 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

### SUBPART C—EIGHT-HOUR LAW OF 1912 (OTHER THAN CONSTRUCTION CONTRACTS)

§ 411.300 *Scope of subpart.* This subpart deals with the requirements of the Eight-Hour Law of 1912, as amended (40 U. S. C. 324–326) applicable to contracts other than construction contracts as defined and covered in Subpart D of this part.

§ 411.301 *Statutory requirement.* In accordance with the requirement of the Eight-Hour Law of 1912, as amended (40 U. S. C. 324–326) certain contracts entered into by any Department shall contain a clause to the effect that no laborer or mechanic doing any part of the work contemplated by the contract shall be required or permitted to work more than eight hours in any one calendar day upon such work, unless such laborer or mechanic is compensated for all hours worked in excess of eight hours in any one calendar day at not less than one and one-half times the basic rate of pay.

§ 411.302 *Applicability.* The requirement set forth in § 411.301 applies, except as stated in paragraphs (a) to (e) of this section, to all contracts which may require or involve the employment of laborers or mechanics either by a contractor or by any subcontractor. The requirement does not apply to the following kinds of contracts:

(a) Contracts (or portions thereof) to be performed in a foreign country over which the United States has no direct legislative control, to the extent that such contracts (or portions thereof) may require or involve the employment of laborers or mechanics there;

(b) Contracts with a State or political subdivision thereof (although the requirement does apply, and the contract must so provide, to a subcontract thereunder with a private person or firm),

(c) Contracts (or portions thereof) for supplies in connection with which any required services are merely incidental to the sale and do not require substantial employment of laborers or mechanics;

(d) Contracts (or portions thereof) for materials or articles (other than armor or armor plate) usually bought in the open market (although the requirement does apply, and the contract must so provide, with respect to any contract involving the performance of any class of work which is ordinarily, and not merely occasionally or to a limited extent, performed by the Government)

(e) Contracts (or portions thereof) subject to the provisions of the Walsh-Healey Public Contracts Act (see Subpart F of this part)

§ 411.303 *Contract clauses.*

§ 411.303–1 *Clause for general use.* Except for those kinds of contracts referred to in § 411.303–2, the contract clause required by this subpart shall be as follows:

EIGHT-HOUR LAW OF 1912

This contract, to the extent that it is of a character specified in the Eight-Hour Law of 1912 as amended (40 U. S. C. 324–326) and is not covered by the Walsh-Healey Public Contracts Act (41 U. S. C. 35–45), is subject to the following provisions and exceptions of said Eight-Hour Law of 1912 as amended, and to all other provisions and exceptions of said Law.

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the Contractor or any Subcontractor contracting for any part of the said work, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this clause. The wages of every such laborer and mechanic employed by the Contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day; and work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this clause a penalty of five dollars shall be imposed upon the Contractor for each such laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this clause; and all penalties thus imposed shall be withheld for the use and benefit of the Government.

§ 411.303–2 *Clause for contracts with a State or political subdivision.* In the case of contracts with a State or political subdivision thereof (see § 411.302 (b)), the contract clause required by this subpart shall be the clause set forth in § 411.303–1 except that it shall be prefaced by the following provision:

The Contractor agrees to insert the following clause in all subcontracts hereunder with private persons or firms.

SUBPART D—LABOR STANDARDS IN CONSTRUCTION CONTRACTS

Sec.
411.400 Scope of subpart.
411.401 Statutes and regulations.
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411.403–4 Contracts with a State or political subdivision.
411.404 Administration and enforcement.

AUTHORITY: §§ 411.400 to 411.404 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

SUBPART D—LABOR STANDARDS IN CONSTRUCTION CONTRACTS

§ 411.400 *Scope of subpart.* This subpart deals with labor standards for construction contracts as prescribed by the statutes and regulations set forth in § 411.401.

§ 411.401 *Statutes and regulations.*— (a) *Davis-Bacon Act.* The Davis-Bacon Act (Act of March 3, 1931, as amended; 40 U. S. C. 276a) provides that certain contracts over $2,000 entered into by any Department for the construction, alteration, or repair (including painting and decorating) of public buildings or public works shall contain a provision (see § 411.403 et seq.) to the effect that no laborer or mechanic employed directly upon the site of the work contemplated by the contract shall receive less than the prevailing wages as determined by the Secretary of Labor.

(b) *Copeland Act.* The Copeland ("Anti-Kickback") Act (18 U. S. C. 874 and 40 U. S. C. 276c) makes it unlawful to induce, by force or otherwise, any person employed in the construction or repair of public buildings or public works (including those financed in whole or in part by loans or grants from the United States) to give up any part of the compensation to which he is entitled under his contract of employment. In accordance with regulations of the Secretary of Labor issued pursuant to the Copeland Act, certain contracts entered into by any Department shall contain a provision (see § 411.403 et seq.) to the effect that the contractor and any subcontractor shall comply with the regulations of the Secretary of Labor under the act.

(c) *Eight-Hour Laws.* See § 411.301. (However, with respect to construction contracts, the applicable statutes are 40 U. S. C. 321–326.)

(d) *Department of Labor regulations.* Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (15 F R. 3176) the Secretary of Labor has issued 29 CFR Part 3, Subtitle A (7 F R. 686, as amended) and 29 CFR Part 5, Subtitle A (16 F R. 4430, as amended) providing for the administration and enforcement of these statutes in construction contracts. The requirements under the Davis-Bacon Act and the Copeland Act apply only to the continental United States and its territories of Alaska and Hawaii while the Eight-Hour Laws apply also to other areas over which the United States has direct legislative control.

§ 411.402 *Applicability.* These requirements apply to construction contracts. The term "construction contract" as used in this subpart means any contract providing for the actual construction, alteration or repair, including painting and decorating, of a public building or public work, or of a building or work financed in whole or in part from Federal funds. It generally includes construction activity as distinguished from manufacturing, furnishing of materials, or servicing or maintenance work. It does not apply to the following kinds of contracts:

(a) Contracts for supplies (including installations or maintenance work which is only incidental to the furnishing of such supplies), although the requirement does apply (1) where installation involves a substantial amount of construction at the site, such as for heavy generators and large refrigerators, (2) to the transportation of supplies to or from the site of the work by employees of the construction contractor or of a construction subcontractor, and (3) to the manufacturing or furnishing of supplies such as window frames and other millwork, on the site of the work by the contractor or sub-contractor on a construction, alteration, or repair contract otherwise subject to the act, or to the manufacturing or furnishing of supplies under a contract based upon the specifications, and at the site of the work, of a construction, alteration, or repair contract otherwise subject to the act;

(b) Contracts for servicing or maintenance work (including installation or movement of machinery or other equipment, and incidental plant rearrangement) which involve only an incidental amount of construction, alteration, or repair; although the requirement does apply (1) to installation, movement, or rearrangement of machinery or other equipment involving a substantial amount of construction or repair, and (2) to servicing or maintenance work based upon the specifications of a construction contract otherwise subject to the act and which is performed at the site of the construction work involved;

(c) Contracts for the construction or repair of vessels, aircraft, or other kinds of personal property.

(d) Contracts to be performed at a place not known or not reasonably ascertainable at the time the contract is entered into.

§ 411.403 *Contract clauses.*

§ 411.403–1 *Clauses for general use.* Except as provided in § 411.403–4 every construction contract in excess of $2,000 for work within the continental United States or its territories of Alaska and Hawaii shall include the following clauses:

(a) *Davis-Bacon Act (40 U. S. C. 276a–276a–7)*

DAVIS-BACON ACT (40 U. S. C. 276a–276a-7)

(a) All mechanics and laborers employed or working directly upon the site of the work will be paid unconditionally and not less often than once a week and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Act ("Anti-Kickback") Regulations (29 CFR Part 3)) the full amounts due at time of payment, computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics;

and a copy of the wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) In the event it is found by the contracting officer that any laborer or mechanic employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (1) by written notice to the Government prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(c) Paragraphs (a) and (b) of this clause shall apply to this contract to the extent that it is (1) a prime contract with the Government subject to the Davis-Bacon Act or (2) a subcontract under such prime contract.

(b) *Eight-Hour Laws; overtime compensation.*

EIGHT-HOUR LAWS—OVERTIME COMPENSATION

No laborer or mechanic doing any part of the work contemplated by this contract in the employ of the Contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this clause. The wages of every laborer and mechanic employed by the Contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this clause a penalty of five dollars shall be imposed for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this clause and all penalties thus imposed shall be withheld for the use and benefit of the Government: *Provided,* that this stipulation shall be subject in all respects to the exceptions and provisions of the Eight-Hour Laws as set forth in 40 U. S. C. 321, 324, 325, 325a, and 326 which relate to hours of labor and compensation for overtime.

(c) *Apprentices.*

APPRENTICES

Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(d) *Payroll Records and Payrolls.*

PAYROLL RECORDS AND PAYROLLS

(a) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The Contractor will make his employment records available for inspection by authorized representatives of the Contracting Officer and the U. S. Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(b) A certified copy of all payrolls will be submitted weekly to the Contracting Officer. The Government prime Contractor will be responsible for the submission of certified copies of the payrolls of all subcontractors. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the applicable rates contained in the wage determination decision of the Secretary of Labor attached to this contract and that the classifications set forth for each laborer or mechanic conform with the work he performed.

(e) *Copeland ("Anti-Kickback") Act, nonrebate of wages.*

COPELAND ("ANTI-KICKBACK") ACT—NONREBATE OF WAGES

The regulations of the Secretary of Labor applicable to Contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U. S. C. 276c) and to aid in the enforcement of the Anti-Kickback Act (18 U. S. C. 874) are made a part of this contract by reference. The Contractor will comply with these regulations and any amendments or modifications thereof and the Government prime Contractor will be responsible for the submission of affidavits required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions.

(f) *Withholding of funds to assure wage payment.*

WITHHOLDING OF FUNDS TO ASSURE WAGE PAYMENT

There may be withheld from the Contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the Contractor or any subcontractor the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic all or part of the wages required by this contract, the Contracting Officer may take such action as may be necessary to cause the suspension, until such violations have ceased, of any further payment, advance, or guarantee of funds to or for the Government prime Contractor.

(g) *Subcontracts—Termination.*

SUBCONTRACTS—TERMINATION

The Contractor agrees to insert the clauses hereof entitled "Davis-Bacon Act" "Eight-Hour Laws—Overtime Compensation" "Apprentices" "Payroll Records and Payrolls", "Copeland ('Anti-Kickback') Act—Nonrebate of Wages" "Withholding of Funds to Assure Wage Payment" and "Subcontracts—Termination" in all subcontracts, and the Contractor further agrees that a breach of any of the requirements of these clauses may be grounds for termination of this contract. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government prime Contractor."

When using U. S. Standard Form 23, the "Subcontracts—Termination" clause therein shall be used in lieu of the above clause.

§ 411.403–2 *Contracts for $2,000 or less.* Except as provided in § 411.403–4, every construction contract for $2,000 or less for work within the continental United States or its territories of Alaska and Hawaii, shall include (a) the Eight-Hour Laws—Overtime Compensation Clause set forth in § 411.403–1 (b) (b) the Copeland (Anti-Kickback) Act—Nonrebate of Wages Clause set forth in § 411.403–1 (e), and (c) the Subcontracts—Termination Clause set forth in § 411.403–1 (g) except that the first sentence thereof shall be modified to refer only to the clauses entitled "Eight-Hour Laws—Overtime Compensation" "Copeland ('Anti-Kickback') Act—Nonrebate of Wages", and "Subcontracts—Termination"

§ 411.403–3 *Overseas contracts.* Every construction contract for work outside the continental United States and its territories of Alaska and Hawaii but within any other territory or possession or foreign area over which the United States has direct legislative control shall include (a) the Eight-Hour Laws—Overtime Compensation Clause set forth in § 411.403–1 (b) and (b) the Subcontracts—Termination Clause set forth in § 411.403–1 (g) except that the first sentence thereof shall be modified to refer only to the clauses entitled "Eight-Hour Laws—Overtime Compensation" and "Subcontracts—Termination."

§ 411.403–4 *Contracts with a State or political subdivision.* In the case of construction contracts with a state or political subdivision thereof, the contract clauses required by §§ 411.403–1 and 411.403–2 whichever is applicable, shall be inserted therein and each clause shall be prefaced by the following provision:

The Contractor agrees to insert the following in all subcontracts hereunder with private persons or firms.

§ 411.404 *Administration and enforcement.* Whenever the clauses under § 411.403 et seq. are applicable, each Department shall, in accordance with procedures prescribed by each respective Department, take such action as may be required under the statutes and regulations set forth in § 411.401 in connection with the administration and enforcement of such clauses, including the following when pertinent: (a) Attach to the contract the appropriate wage determination decision of the Secretary of Labor and any modification thereof; (b) classification of employees not included in wage determination decisions and reports in connection therewith; (c) receipt, examination as necessary and preservation of certified payrolls and affidavits; (d) routine and special investigations, including employee interviews, as necessary to assure compliance with posting, wage, hour, apprenticeship, subcontract, and other requirements; (e) reports of violations and restitutions to the Department of Labor and, when criminal violations are involved to the Department of Justice; (f) withholding of contract payments for violations, and submission of reports

thereof; (g) cooperation with Department of Labor investigators.

J. C. HOUSTON, Jr.,
*Special Assistant to the Assistant Secretary of Defense, Supply and Logistics.*

[F. R. Doc. 53-8570; Filed, Oct. 7, 1953; 8:46 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-5]

### DMO VII-5—DESIGNATION OF SUPPLY AND REQUIREMENTS AGENCIES

1. Pursuant to the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061) section 124A of the Internal Revenue Code, and Executive Order 10480 of August 14, 1953 (18 F R. 4939) the following officers and agencies of the Government are hereby designated to present supply and requirements information to the Office of Defense Mobilization for the programs and the areas specified:

(a) The Secretary of Defense with respect to (1) the programs of the Department of Defense, including military equipment and supplies under the Mutual Defense Aid Program, (2) military construction and all housing on military bases and reservations, (3) the military and civilian requirements of foreign areas under military administration, (4) the program requirements of the National Advisory Committee for Aeronautics, the Coast Guard, and the Central Intelligence Agency, and (5) Munitions List items, as defined in Presidential Proclamation 2776, purchased by foreign governments through domestic commercial channels, excepting commercial transport aircraft for civil air carriers, and components, parts, and accessories therefor;

(b) The Secretary of the Army with respect to (1) civil construction projects under the jurisdiction of the Department of the Army, except projects having electric power generating capacity or facilities not specifically exempted by the Secretary of the Interior, (2) the Panama Canal, and (3) the Panama Railroad;

(c) The Atomic Energy Commission with respect to the programs of that agency including programs for the account of or sponsored by that agency;

(d) The Administrator of the Federal Civil Defense Administration for Federal, State, and local programs of that agency;

(e) The Secretary of Health, Education and Welfare with respect to (1) all school and library construction, (2) all hospital and health facility construction other than Veterans' Administration and military hospitals, and (3) the domestic distribution of all supplies and equipment needed in the fields of health (including sanitation) education, welfare, recreation, and related activities;

(f) The Administrator of the General Services Administration with respect to (1) requirements for the needs of all Federal Government agencies not covered otherwise for common-use items listed in the GSA Stores Stock Catalog, or procured under Federal Supply Schedule contracts, or otherwise designated as common-use items by the Administrator of General Services, except for such items specifically designated for the Secretary of Defense by agreement between the Secretary of Defense and the Administrator, (2) requirements for Federal Buildings not elsewhere designated, and (3) the production and processing of the metals and minerals listed in Column I of Appendix A of NPA Delegation 5 by or in the respective facilities listed in Column III of that Appendix.

(g) The Administrator of Veterans' Affairs with respect to the hospital program of the Veterans' Administration;

(h) The Administrator of the Housing and Home Finance Agency with respect to housing construction, alteration, and repair, except housing and community facilities owned property under the control of the Atomic Energy Commission, and housing on military reservations;

(i) The Secretary of Agriculture with respect to (1) farm production, (2) farm construction, and (3) food processing and distribution within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (NPA) (16 F R. 3410) as from time to time amended or supplemented;

(j) The Secretary of the Interior, or his designees, with respect to (1) departmental programs, including the Alaska Railroad; (2) the production, preparation, and processing of solid fuels, (3) the generation, transmission, and distribution of electric power, (4) the production and processing of fishery products as set forth in the Secretary of Agriculture's delegation dated October 13, 1950;

(k) The Petroleum Administrator for Defense with respect to (1) production, (2) processing and refining, and (3) distribution of petroleum and gas;

(l) The Administrator of the Defense Transport Administration with respect to (1) domestic transportation, except programs elsewhere specifically designated, (2) storage, and (3) port facilities;

(m) The Secretary of Commerce with respect to (1) Maritime Administration programs for coastwise, intercoastal, and overseas shipping, and merchant ship construction and repair, (2) Bureau of Public Roads programs for highway construction and maintenance, including urban streets, regardless of financing, (3) civil aviation programs for which the Civil Aeronautics Administration and the Civil Aeronautics Board are responsible, including air navigation facilities, civil airports, new civil aircraft and concurrent spares, for air carrier and non-air carrier aircraft, and maintenance, repair and operation of equipment and facilities, (4) all export programs not elsewhere designated, and (5) programs for the production of materials and products not elsewhere assigned herein, including (i) related production equipment, (ii) related industrial facility construction, (iii) civilian communications, (iv) water and sewage facilities, and (v) programs of State and local governments, including construction of community facilities not elsewhere specifically designated, such as fire and police, and penal administrations, (vi) consumer goods, including items of common-use not elsewhere specifically designated, (vii) wholesale, retail and service trades, (viii) religious institutions, (ix) private industrial facilites not elsewhere designated, (x) private, social and recreational activities, and (xi) Canadian programs;

(o) The Director of the Foreign Operations Administration with respect to requirements for (1) all non-military exports to MS countries; (2) exports for additional military production under the Mutual Defense Aid Program and common-use items under other approved military programs.

2. As used in this order, unless the context forbids, the terms "materials", "petroleum" "gas" "solid fuels", "electric power" "metals and minerals", "food" "farm equipment", "fertilizer", and "domestic transportation, storage, and port facilities" have the same meaning as in Executive Order 10480.

3. Upon approval of the Office of Defense Mobilization, an officer or agency assigned responsibilities under this order may authorize the presentation of supply and requirements information for any program or area within his jurisdiction by another officer or agency.

4. This order supersedes Defense Production Administration Order 1, as amended (16 F R. 4913, 11038; 17 F R. 899) which is hereby revoked.

5. This order shall take effect October 7, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director*

[F. R. Doc. 53-8617; Filed, Oct. 6, 1953; 5:04 p. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Appendix—Public Land Orders

[Public Land Order 916]

### ALASKA

### WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH ALASKA COMMUNICATION SYSTEM

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved for the use of the Department of the Army in connection with the Alaska Communication System:

Beginning at Corner No. 1 on the southerly right-of-way line of the Richardson Highway, from which the quarter corner common to secs. 14 and 15, T. 6 S., R. 4 E., F. M. bears S. 45° 58' E., 816.00 feet; and

from which corner, center line station 2397+34.57 on Richardson Highway, bears N. 51° 37' E., 150.00 feet, thence

S. 51° 37' W., 234.50 feet to corner No. 2, a point on the right bank of the Tanana River.

N. 36° 54' W., 600.20 feet along right bank of Tanana River to corner No. 3.

N. 51° 37' E., 239.50 feet to corner No. 4, a point on the southerly right-of-way line of the old Harding Lake Road.

S. 42° 47' E., 209.60 feet along said right-of-way line to corner No. 5, being the point of intersection of the southerly right-of-way lines of the old Harding Lake road and Richardson Highway.

Southerly, 176.30 feet along right-of-way line of Richardson Highway on a curve to the left, with a radius of 800.2 feet to corner No. 6, being the point of compound curve.

Continuing southerly, 217.40 feet along the right-of-way line, on a curve to the left with a radius of 4795.7 feet to corner No. 1, the point of beginning.

The tract described contains 3.34 acres.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

ORME LEWIS,
*Assistant Secretary of the Interior.*

OCTOBER 1, 1953.

[F. R. Doc. 53-8577; Filed, Oct. 7, 1953; 8:48 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 903 ]

[Docket No. A10-A18]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

SUPPLEMENTARY NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant ot the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) this notice supplements the notice issued on October 2, 1953, with respect to the public hearing to be held at the Melbourne Hotel, St. Louis, Missouri, beginning at 10:00 a. m., c. s. t., October 12, 1953, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Neither the proposals set forth below nor those contained in the prior notice have been approved by the Secretary of Agriculture.

The following additional amendments have been proposed:

By Mid-West Dairy Products Corporation, Centralia, Illinois:

7. Change the appropriate sections of Order No. 3, as amended, so that the allocation of graded milk to Class I shall not be greater than the graded milk in a plant which is permitted to bottle both graded and ungraded milk.

By Sanitary Milk Producers:

8. Amend § 903.45 (a) (1) so as to permit the proration of shrinkage of producer milk between country and city plants.

Copies of this supplementary notice of hearing, and of the order now in effect, may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 5, 1953, at Washington, D. C.

[SEAL] ROY W LENNARTSON,
*Assistant Administrator*

[F. R. Doc. 53-8602; Filed, Oct. 7, 1953; 8:54 a. m.]

### [ 7 CFR Part 928 ]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Neosho Valley marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business of the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the following findings and conclusions were formulated, was conducted at Pittsburg, Kansas, on September 1-4, 1953, pursuant to notices thereof which were issued on August 18, 1953, and August 21, 1953 (18 F. R. 4995, 5122)

The material issues of record related to the pricing of Class I milk for the period through March 1954, the pooling and payment provisions of the order, the rate of deductions for marketing services, certain definitions, and administrative features of the order. In this decision there is considered only the issue with respect to the pricing of Class I milk for the period through March 1954. Other issues are reserved for later decision.

*Findings and conclusions.* The following findings and conclusions are based on the evidence introduced at the hearing and the record thereof:

1. Supply and sales relationships in the Neosho Valley market should determine whether or not the Class I price differential should be increased in the months through March 1954. Evidence of county agents and dairy farmers establishes clearly that milk production costs are increased by the resulting lack of pasture and short supplies of home grown feeds upon which dairymen in this area rely for roughage. While there is some conflicting testimony as to whether home grown feed supplies are greater or less than in the drought year of 1952 there is no doubt that they are considerably less than normal for the area.

A cooperative association of producers proposed that for the period through March 1954 the differential added to the basic formula price in determining the price for Class I milk be increased from $1.45 to $1.90. For the months of September 1952 through January 1953, when it was anticipated that a critical shortage of milk supplies would result from the effects of the 1952 drought, the Class I price differential was temporarily established at $1.85.

Receipts of producer milk in the Neosho Valley market have increased substantially over those of a year ago. The order for this market first became effective December 1, 1951. From that date through July 1952 total receipts of producer milk were 49.6 million pounds. For the comparable period of December 1952 through July 1953 receipts were 62.1 million pounds or an increase of approximately 25 percent. July 1953 receipts were 20 percent above those of July 1952. The major portion of the increased production has resulted from increased production per producer, a smaller portion from increases in the number of producers supplying the market. From December 1951 to July 1952 deliveries per producer averaged about 297 pounds per day while for the more recent 8 month period the average de-

livery per day was 343 pounds or an increase of about 15 percent. July 1953 daily average receipts per producer were 337 pounds of milk, or about 12 percent greater than the 300 pound daily average for July 1952. The 754 producers supplying the market in July of this year represents the largest number for any month since the order has been in effect, and is an increase of 49 from the comparable figure a year ago.

Disposition of Class I milk, on the other hand, is somewhat less than a year ago. In only one of the most recent eight months for which data are available on the record has the total volume of Class I sales been equal to that of the corresponding month a year earlier. For the entire eight month period the volume of Class I sales was approximately 4 percent less. In July 1953 total Class I sales were 1.8 percent less than in July 1952. Despite the decline in total Class I sales producers have been paid for a greater volume of Class I milk in some months of the recent period than for the same month than a year earlier. This is apparently due to the fact that in one month of the earlier period milk supplies were less than the Class I sales of the market, and in three other months were not distributed so that all handlers had supplies adequate for their Class I needs.

As a result of the substantial increases in production during a period of moderate decline in sales, milk supplies have recently been considerably in excess of Class I sales. In May, the month of highest production, Class I sales were only about 55 percent of producer receipts, and in July this relationship was about 68 percent. In July this year the volume of production in excess of Class I needs was more than double that a year ago, when Class I sales were 83 percent of producer receipts. 2.53 million pounds of producer milk were classified as Class II milk this July, while 1.24 million pounds were so classified in July 1952.

Producer blend prices of the order have been substantially less than a year ago, due to lower class prices and larger percentages of the increased production being priced as lower priced Class II milk. For June and July the uniform blend prices were 69 and 75 cents per hundredweight, respectively, less than those of a year earlier. For other months since February decreases in blend prices have exceeded these amounts. About 30 percent of the current reduction in the blend price is due to the heavier proportion of Class II milk and about 70 percent is due to the decline in class prices. Changes in class prices reflect changes in the values of manufactured dairy products and in the prices paid for manufacturing milk. The Class I price, for which the effective bases have been the national market for dairy products and mid-west condensary prices, are currently (July and August) reduced approximately 53 to 54 cents or a little less than 10 percent; the Class II price, which is based on the paying prices of local manufacturing plants is 80 cents, or 19 percent, less than a year ago.

The proponents contend that with the currently lower level of producer incomes the effects of the present drought will result in much greater hardship than in 1952. They do not predict so much an immediate shortage in milk supplies as an eventual liquidation of herds due to the financial burden from added out-of-pocket costs in purchasing feed supplies normally home grown. Handlers presented surveys of producers' estimates of the numbers of cows to be milked this winter which indicate an increase over a year ago.

It is difficult to predict from the record the milk supplies to be expected in the area during the coming months. In the drought year of 1952, the only year for which market-wide statistics are available, production in August was the lowest for any month following March. Increased sales, however, resulted in a lower ratio of supplies to sales in October and November. By December production was more than 10 percent above that for August and the significant changes noted above in the level of production were evident.

Market statistics for the month of August 1953 were not available on the record. Official notice is hereby taken of the statistical summary for that month released September 11, 1953, by the market administrator. These show that August production per day was 8.28 percent less than that for July and was at the lowest level since January 1953. Class I sales are also reported as 4.5 percent above those for July and about 1 percent above those for August 1952. Class I sales were 77.6 percent of producer receipts as compared with 68.05 percent for July 1953 and 86.85 percent for August 1952.

Seasonal declines in production from August through fall and early winter months are usually experienced in other markets near to the Neosho Valley market, so that the 1952 experience cannot be considered representative of the production trend that is to be expected. Some seasonal increases in fluid milk are also to be expected. Should seasonal decreases in production or increases in sales be substantial the market may not have sufficient reserve supplies of milk during the months of October through January. Such changes however, cannot be predicted from the record.

The Neosho Valley order has no automatic provision for adjusting the Class I price on the basis of the current relationship of Class I sales to milk supplies. Such provisions are included in orders for some nearby areas which are likewise affected by drought conditions. The order for the Greater Kansas City area, in which the Class I price is also determined by use of a $1.45 differential, contains such a provision. The Neosho Valley and Greater Kansas City milksheds overlap to a certain extent. It is concluded that for the months through March 1954 provision should be made for automatic increases in the Neosho Valley price if current supply-demand conditions in the Neosho Valley market are such as would provide like increases in price under the provisions of the Greater Kansas City order. While data with respect to the Neosho Valley market are not yet sufficient to determine the normal seasonal relationships of supply to sales upon which an automatic adjustment provision could be designed to operate for all months and under normal conditions, it is reasonable to believe that for the limited purposes here provided the Kansas City provisions are appropriate. Because the provision is limited to providing upward adjustments, no adjustment is provided in an amount less than 12 cents, and the level of supply at which such adjustment will occur is that at which a 12-cent adjustment would occur under the Kansas City order. Provision is made for adjustment of October prices in the event that amending action may be effected for a portion of that month.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as hereby proposed to be amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

*General findings.* (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement, and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order* The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

1. Delete the second proviso appearing in § 928.51 (a) and substitute therefor the following:

*And provided further* That for each delivery period from the effective date of this proviso through March 1954 the price so computed shall be increased if the gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 928.61) for the first and second delivery periods immediately preceding is a percentage of the total receipts of producer milk in such delivery periods equal to or in excess of the applicable percentage set forth below, by the amount of 12 cents, plus 4 cents for each percentage point or major fraction thereof of such excess, but not more than 45 cents in total:

| Delivery period for which price applies | Delivery periods used in computation | Percentage |
|---|---|---|
| October | August-September | 78 |
| November | September-October | 87 |
| December | October-November | 92 |
| January | November-December | 94 |
| February | December-January | 92 |
| March | January-February | 89 |

The amount of any adjustment pursuant to this proviso shall be announced by the market administrator on or before the 11th day of the delivery period and the adjusted price so announced shall be effective in lieu of the price announced pursuant to § 928.22 (j) (1).

Filed at Washington, D. C., this 2d day of October 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator*

[F. R. Doc. 53-8601; Filed, Oct. 7, 1953; 8:53 a. m.

## [ 7 CFR Part 941 ]

[Docket No. AO-101-A15 (Second Part)]

HANDLING OF MILK IN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Chicago, Illinois, on August 11, 1953 pursuant to notice issued July 30, 1953 (18 F R. 4606)

On August 20, 1953 the Secretary issued a decision (18 F. R. 5070) on certain issues on the record of the aforesaid hearing, reserving for a further decision the remaining issue. This recommended decision deals with the remaining material issue, which is as follows:

A revision of the provisions relating to the 70-cent additional differential on Class I and Class II milk moved in bulk form to markets outside the surplus milk manufacturing area during the months of September, October, and November by making application of such additional differential depend on the supply and demand for milk in the Chicago area.

*Findings and conclusions.* The following findings and conclusions on the material issue stated above are based upon evidence contained in the record of the hearing.

The operation of the order provisions which provide for a 70-cent higher price for Class I or Class II milk moved in bulk form to markets outside the surplus milk manufacturing area during September, October, or November each year, should depend upon a determination of supply and demand conditions in the market.

A proposal by a large group of producers for this market would make the application of the 70-cent higher price in the case of Class I and Class II milk moved in bulk form to markets outside the surplus milk manufacturing area, depend on the relationship of total utilization in Class I and Class II (excluding cream moved into storage) to receipts from producers. The utilization figures in the third month preceding each of the months of September, October, and November would be the basis for determining whether the 70-cent higher price would apply in each of these months. The proposal would also provide that, upon request by a producer association or a handler, the market administrator would call a meeting for the purpose of determining whether the 70-cent higher price for these outside sales should apply (or should not apply) in the next succeeding month, irrespective of the previous determination based on the percentage of utilization in Class I and Class II. This proposal was also supported by most handlers represented at the hearing.

An action already taken by the Secretary, on the basis of this record, has set aside the 70-cent additional differential in the case of these outside sales for the months of September and October 1953. The request for such action was made by producers and handlers because receipts from producers compared with previous years have increased considerably but utilization in Class I and Class II has not. Producers and handlers testified to the effect that: (1) The current level of receipts assures an adequate reserve supply of milk for the Chicago marketing area during these months without the effect of the 70-cent differential on such outside sales, and (2) under such circumstances application of the 70-cent differential would reduce the volume of such outside sales, thus causing more producer milk to be used in the lower classifications. In the latter instance, producers would suffer a reduction in income which could be averted by taking advantage of the opportunity to supply milk to other markets. It was recommended by the proponents that the order should be changed so that for November 1953 and the designated fall months in following years, the 70-cent higher price for such outside sales should not apply when milk supplies are similarly high in relation to market requirements.

The proposal to determine whether the 70-cent differential should apply in a particular month, on the basis of utilization in the third preceding month, was favored by proponents rather than using the second preceding month, because the former would allow more time for arranging sales to other markets. Because of the length of time intervening, it is questionable whether the third preceding month is a reliable guide as to what the supply and demand situation will be in a particular month. It would appear that utilization during two recent months would be likely to be a better guide as to the prospective supply and demand situation, since this would tend to reduce the effect of abnormal aberations, which might occur in any single month. Study of the data in the record suggests that, in any case, there may be considerable limitations to the accuracy of any predictions as to utilization in a certain month, based on utilization in previous months. Hazards of weather, changes in farmers' practices, and variability of demand from other markets are some of the factors causing uncertainty. On the basis of a long-run average, however, the two-month period comprised of the second and third preceding month should be a better guide in anticipating supply and demand conditions than the third preceding month. Admittedly, early knowledge as to price is an advantage to handlers in arranging for sales to other markets, but in this matter assurance of an adequate supply for the Chicago market is more important than facilitating movement of milk to other markets.

If the application of the 70-cent differential with respect to such movements of milk to other markets is to depend on the most current supply and demand situation in the market, it is desirable that there be some device in the order for reflecting these conditions on a monthly basis, thus averting the inconvenience of holding a hearing in each instance. The percentage described in the order as the "current supply-demand ratio" is based on a twelve-month period, and is not suitable for the determination affecting the special price for milk moved to other markets. The most recent data available to the market administrator, under the reporting requirements of the

order, are for the second and third months preceding the month for which the determination is made. Examination of the record data suggests that the following percentage figures, representing utilization of producer receipts (including own farm production) in Class I and Class II (excluding cream moved into storage) would serve as moderately reliable guides as to whether there is a supply of milk such that the supply for this market would be adequate, although milk were moved to other markets in volumes comparable with shipments in previous years. These percentages for two-month periods are: for June-July, 64 percent; July–August, 70 percent; August–September, 80 percent. These percentages would be used to indicate the prospective supply-demand situation respectively for September, October, and November next following. It is concluded that the 70-cent higher price should not apply to the outside sales in question if the average utilization percentage, as described, in the second and third preceding months, is less than the percentage figure indicated above for that two-month period.

Since it is not possible to predict the supply and demand situation for any month with absolute reliability, on the basis of such calculations as described above, it is desirable to provide some additional method of taking account of the most recent trends. Producers and handlers requested that such a method be provided by requiring the market administrator to call a meeting for the purpose of reviewing the most recent indications of the supply and demand situation, following which the market administrator would make a determination as to whether the higher price would be required on the outside sales in question in the subsequent month. Although it is anticipated that the calculations described above, based on utilization in recent months, would ordinarily be sufficient for the purpose intended, it is desirable that, under unusual market conditions, there should be an abbreviated procedure available for correcting any erratic result of such calculations. But there appears to be no need to attempt to accomplish this by action of the market administrator. Since the action required is that of suspension of a provision (or provisions) of the order it may properly be left to the authority of the Secretary to initiate such action. Initiation of this procedure by the Secretary needs no implementation by order provision.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed which contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and amendment to the order* The following order amending the order, as amended, regulating the handling of milk in the Chicago, Illinois marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Insert before the proviso in § 941.52 (a) (3) "except as provided in paragraph (e) in this section"

2. Insert before the proviso in § 941.52 (b) (3) "except as provided in paragraph (e) in this section"

3. In § 941.52 add paragraph (e) as follows:

(e) (1) On or before the 17th day of the month preceding any of the months of September, October or November the market administrator shall calculate and announce the percentage of receipts of Grade A milk from all producers (including own farm production) utilized as Class I and Class II milk, excluding milk represented by frozen cream and plastic cream moving into storage, during the two calendar months preceding such announcement.

(2) If the utilization percentage calculated pursuant to subparagraph (1) of this paragraph is less than the percentage figure shown in the following schedule, paragraphs (a) (3) and (b) (3) of this section shall not apply in the month next following such announcement:

| Two month period on which calculation is based: | *Percentage* |
|---|---|
| June–July | 64 |
| July-August | 70 |
| August-September | 80 |

Issued at Washington D. C., this 5th day of October, 1953.

[SEAL] ROY W LENNARTSON,
*Assistant Administrator*

[F. R. Doc. 53-8600; Filed, Oct. 7, 1953; 8:53 a. m.]

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## [7 CFR Part 972]

[Docket No. AO-177-A12]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS

Notice is hereby given that the time within which interested parties may file written exceptions to the recommended decision of the Acting Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area, which was issued on September 11, 1953, and published in the FEDERAL REGISTER on September 16, 1953 (18 F. R. 5551), is hereby extended to the close of business on October 9, 1953. Exceptions filed pursuant to this notice should be filed with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., in quadruplicate.

Dated: October 5, 1953, at Washington, D. C.

[SEAL] ROY W LENNARTSON,
*Assistant Administrator*

[F. R. Doc. 53-8603; Filed, Oct. 7, 1953; 8:54 a. m.]

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# NOTICES

## CIVIL AERONAUTICS BOARD

[Docket No. 986 et al.]

BRANIFF AIRWAYS, INC., ET AL., NEW YORK-CHICAGO SERVICE CASE

NOTICE OF HEARING

In the matter of Braniff Airways, Inc., and other applicants for certificates or amendments to certificates of public convenience and necessity in the consolidated proceeding known as the New York-Chicago Service Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) 401, 404 (a) and 1002 (i) of said act, and the applicable regulations thereunder, that hearing in the above-entitled proceeding is assigned to be held on November 2, 1953, at 10:00 a. m., e. s. t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner William F. Cusick.

For further details regarding this proceeding, interested parties are referred to the Board's Orders Nos. E–7356 and E–7559, the report of the prehearing conference in this matter, served March 11, 1953, and the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the establishment by Northwest Airlines, Inc., and Capital Airlines, Inc., of through service (by interchange arrangements or otherwise) between Chicago, Ill., and points west thereof on Northwest's route No. 3, on the one hand, and Detroit, Mich., Cleveland, Ohio, Pittsburgh, Pa., and New York, N. Y., on the other (including the terms and conditions under which such through service shall be operated)

(2) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates to any of the applicants that are party to this proceeding.

(3) Are the applicants fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in this consolidated proceeding must file with the Board on or before November 2, 1953, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D. C., October 5, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner*

[F. R. Doc. 53–8542; Filed, Oct. 7, 1953; 8:45 a. m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

### IDAHO

### REVOCATION OF AIR NAVIGATION SITE WITHDRAWAL ORDER NO. 4796, LAND RESTORED

SEPTEMBER 30, 1953.

In accordance with the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214) and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641) it is ordered as follows:

Executive Order No. 4796 dated January 19, 1928, withdrawing certain lands in the State of Idaho, for use by Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following described lands:

IDAHO BOISE MERIDIAN

T. 11 S., Range 26 E. Sec. 34, SE¼.

Containing 160 acres.

The land lies in Raft River area of Cassia County, Idaho. The topography is almost level at an elevation of 4,500 feet, with deep soil classified as Number 1 and 2 agricultural land. The land is in an area of proven irrigation wells, with a flow of water at 120 to 150 feet, which rises to within 50 feet of the surface. The land is classified as suitable for classification and entry under the desert land or the homestead laws. While any application that is filed will be considered on its merits, it is unlikely that any part of the restored (or opened) land will be classified for any use or disposal other than that shown above.

This order shall become effective immediately for the administration of grazing on the land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m., on the thirty-fifth day after the date hereof. At that time, the land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications on the land may be obtained on request from the U. S. Land and Survey Office, Boise, Idaho.

JAMES F. DOYLE,
*Assistant Regional Administrator*

[F. R. Doc. 53–8596; Filed, Oct. 7, 1953; 8:52 a. m.]

### MONTANA

### CLASSIFICATION ORDER NO. 2, AMENDED

Montana Small Tract Classification Order No. 2, dated April 13, 1953 (18 F R. 2155) is hereby amended by adding the following subparagraph thereto:

6a. Lessees of tracts described in this classification order, may at their option and by special authority of the Secretary of the Interior, dated September 11, 1953, upon filing in duplicate of "Application to Purchase Under Small Tract Act" with the signing officer, purchase his leased tract prior to the construction of improvements thereon.

W B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53–8572; Filed, Oct. 7, 1953; 8:46 a. m.]

### NEVADA

### CLASSIFICATION ORDER

OCTOBER 2, 1953.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953, (18 F. R. 23) I hereby classify for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the lands described in the following schedule, embracing approximately 39,082.41 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 95

MOUNT DIABLO MERIDIAN

The longer axis of all rectangular tracts lies either north and south or east and west, as indicated by the symbols "N-S" and "E-W" in Column (3) of the following schedule.

| (1) Description | (2) Approximate area of tracts (acres) | (3) Approximate dimensions of tracts (feet) | (4) Purchase price per tract |
|---|---|---|---|
| *For business site and/or homesite purposes* | | | |
| T. 19 S., R. 60 E., Sec. 6, Lot 6, SE¼SW¼ | 5 | 330 x 660 N-S | $330 |
| *For homesite purposes only* | | | |
| T. 19 S., R. 60 E., Sec. 7, W½SE¼ | 5 | 330 x 660 N-S | 500 |
| T. 20 S., R. 60 E., | | | |
| Sec. 4, SW¼ | 2½ | 330 x 330 | 200 |
| Sec. 9, All | 2½ | 330 x 330 | 200 |
| Sec. 10, NW¼, N½SW¼ | 2½ | 330 x 330 | 200 |
| Sec. 15, E½ | 2½ | 330 x 330 | 325 |
| W½ | 2½ | 330 x 330 | 200 |
| Sec. 22, E½ | 2½ | 330 x 330 | 325 |
| W½ | 2½ | 330 x 330 | 200 |
| Sec. 23, SW¼NW¼ | 2½ | 330 x 330 | 500 |
| Sec. 25, SE¼NW¼ | 1¼ | 165 x 330 N-S | 500 |
| Sec. 26, W½NW¼ | 1¼ | 165 x 330 E-W | 420 |
| Sec. 27, E½ | 2½ | 330 x 330 | 325 |
| W½ | 2½ | 330 x 330 | 200 |
| Sec. 23, All | 5 | 330 x 660 N-S | 200 |
| T. 21 S., R. 60 E., | | | |
| Sec. 9, NW¼NE¼, S½NE¼, W½SE¼ | 5 | 330 x 660 N-S | 200 |
| 11, SW¼SW¼ | 5 | 330 x 660 N-S | 420 |
| 14, S½NW¼, SW¼ | 5 | 330 x 660 N-S | 460 |
| 15, All | 5 | 330 x 660 N-S | 375 |
| 16, W½ | 5 | 330 x 660 N-S | 325 |
| 21, All | 5 | 330 x 660 N-S | 350 |
| 22, All | 5 | 330 x 660 N-S | 375 |
| 23, All | 5 | 330 x 660 N-S | 420 |
| 24, N½, SW¼, S½SE¼ | 5 | 330 x 660 N-S | 420 |
| 25, All | 5 | 330 x 660 N-S | 420 |
| 26, All | 5 | 330 x 660 N-S | 375 |
| 27, All | 5 | 330 x 660 N-S | 375 |
| 28, All | 5 | 330 x 660 N-S | 350 |
| 33, All | 5 | 330 x 660 N-S | 350 |
| 34, All | 2½ | 330 x 330 | 200 |
| 35, All | 2½ | 330 x 330 | 250 |
| 36, All | 2½ | 330 x 330 | 250 |
| T. 22 S., R. 60 E., | | | |
| Sec. 1, Lots 1 to 4 incl., S½N½, S½ | 2½ | 330 x 330 | 250 |
| 12, All | 2½ | 330 x 330 | 250 |
| 13, All | 2½ | 330 x 330 | 200 |
| 14, S½ | 2½ | 330 x 330 | 275 |
| 15, S½ | 2½ | 330 x 330 | 275 |
| 16, S½ | 2½ | 330 x 330 | 250 |
| 17, S½ | 5 | 330 x 660 N-S | 375 |
| 18, Lots 3, 4, E½SW¼, SE¼ | 5 | 330 x 660 N-S | 375 |
| 19, Lots 1 to 4 incl., E½W½, E½ | 2½ | 330 x 330 | 250 |
| 20, N½ | 2½ | 330 x 330 | 250 |
| 21, All | 2½ | 330 x 330 | 200 |
| 22, N½, E½SW¼, SE¼ | 2½ | 330 x 330 | 200 |
| 23, N½, W½SW¼ | 2½ | 330 x 330 | 200 |
| 24, All | 2½ | 330 x 330 | 325 |
| 25, All | 2½ | 330 x 330 | 325 |
| 26, S½NE¼, NW¼ | 2½ | 330 x 330 | 200 |
| 27, N½ | 2½ | 330 x 330 | 275 |
| 28, N½ | 2½ | 330 x 330 | 250 |
| 29, NE¼, S½NW¼ | 2½ | 330 x 330 | 200 |
| 30, N½ | 2½ | 330 x 330 | 200 |
| 33, N½ | 2½ | 330 x 330 | 200 |
| S½ | 5 | 330 x 660 N-S | 400 |

| (1) Description | (2) Approximate area of tracts (acres) | (3) Approximate dimensions of tracts (feet) | (4) Purchase price per tract |
|---|---|---|---|
| *For homesite purposes only—Continued* | | | |
| T. 21 S., R. 61 E., | | | |
| Sec. 19, Lots 1, 2, E½ NW¼, E½SE¼ | 2½ | 330 x 330 | 325 |
| 20, W½W½ | 2½ | 330 x 330 | 400 |
| 21, N½NW¼SW¼, SW¼NW¼SW¼, S½NW¼, S½ NE¼SW¼ | 2½ | 330 x 330 | 450 |
| 29, NW¼, W½SW¼ | 2½ | 330 x 330 | 500 |
| 30, E½, E½NW¼, NW¼NW¼ | 2½ | 330 x 330 | 430 |
| 31, NE¼NE¼ | 2½ | 330 x 330 | 325 |
| NW¼SE¼ | 1¼ | 165 x 330 N-S. | 250 |
| Lots 1 to 4 incl., E½W½ | 1¼ | 165 x 330 N-S. | 200 |
| 32, S½NE¼, NW¼NW¼, NW¼SE¼, W½SW¼ | 2½ | 330 x 330 | 275 |
| 36, NE¼NW¼, W½SW¼ | 1¼ | 165 x 330 N-S. | 300 |
| T. 22 S., R. 61 E., | 1¼ | 165 x 330 N-S. | 700 |
| Sec. 6, Lots 3 to 7 incl. | 2½ | 330 x 330 | 275 |
| 7, Lots 1 to 4 incl., E½W½, E½ | 2½ | 330 x 330 | 275 |
| 11, SW¼SW¼ | 2½ | 330 x 330 | 400 |
| 14, All | 1¼ | 165 x 330 N-S. | 350 |
| 15, SE¼NE¼, SE¼ | 1¼ | 165 x 330 N-S. | 350 |
| 17, E½E½SE¼, W½E½SE¼, W½SE¼ | 2½ | 165 x 660 E-W. | 650 |
| 18, Lots 1 to 4 incl., E½W½, E½ | 1¼ | 165 x 330 N-S. | 320 |
| 19, Lots 1 to 4 incl., E½W½, E½ | 1¼ | 165 x 330 N-S. | 320 |
| 22, NE¼, S½ | 2½ | 330 x 330 | 525 |
| 23, N½ | 2½ | 330 x 330 | 450 |
| S½ | 5 | 330 x 660 N-S. | 500 |
| 24, All | 5 | 330 x 660 E-W. | 325 |
| 26, N½, SW¼, W½SE¼ | 5 | 330 x 660 E-W. | 400 |
| 27, N½ | 2½ | 330 x 330 | 400 |
| S½ | 5 | 330 x 660 E-W. | 500 |
| 28, E½ | 2½ | 330 x 330 | 480 |
| 29, E½E½NE¼, W½E½NE¼, NW¼ | 2½ | 165 x 660 E-W. | 650 |
| SW¼ | 1¼ | 165 x 330 N-S. | 320 |
| 30, Lots 1, 2, E½NW¼, NE¼ | 2½ | 330 x 330 | 375 |
| Lots 3, 4, E½SW¼, SE¼ | 1¼ | 165 x 330 N-S. | 320 |
| 31, Lots 1 to 3 incl., E½NW¼, NE¼SW¼, E½SE¼ | 2½ | 330 x 330 | 350 |
| 32, E½E½E½, W½E½E½, W½E½, W½ | 5 | 330 x 660 N-S. | 450 |
| 33, E½ | 5 | 330 x 660 E-W. | 1,000 |
| 34, N½ | 2½ | 330 x 330 | 430 |
| S½ | 5 | 330 x 660 E-W. | 500 |
| 35, W½, W½E½ | 5 | 330 x 660 E-W. | 450 |
| T. 23 S., R. 61 E., | 5 | 330 x 660 E-W. | 400 |
| Sec. 3, Lots 1 to 4 incl., S½N½, S½ | 5 | 330 x 660 E-W. | 450 |
| 4, Lots 1 to 3 incl., S½NE¼, E½W½SW¼, E½SW¼, SE¼NW¼, SE¼ | 5 | 330 x 660 E-W. | 600 |
| W½W½SW¼ | 5 | 330 x 660 E-W. | 1,000 |
| 5, Lots 2 to 4 incl., SW¼NE¼, S½NW¼, SW¼, W½E½SE¼, W½SE¼ | 5 | 330 x 660 E-W. | 600 |
| E½E½SE¼ | 5 | 330 x 660 E-W. | 1,000 |
| 9, W½W½W½, E½W½W½, E½W½, E½ | 5 | 330 x 660 E-W. | 1,000 |
| 10, All | 5 | 330 x 660 E-W. | 600 |
| 16, All | 5 | 330 x 660 E-W. | 450 |
| 20, E½, E½W½, SW¼SW¼ | 5 | 330 x 660 E-W. | 450 |
| NW¼NW¼ | 5 | 330 x 660 E-W. | 550 |
| | 5 | 330 x 660 E-W. | 1,000 |

The lands are located in the Las Vegas Valley, Clark County, Nevada. The lands vary from level accessible tracts to broken rocky areas which are not presently accessible by ordinary vehicles. The rougher and more inaccessible lands will involve considerable cost in development for homesite use due to road construction, leveling and installation of utilities. Domestic water can probably be obtained from underground sources over most of the area classified.

2. No leases on the lands described in this order shall be issued until conflicting applications under the public land laws and mineral claims under the mining laws shall have been disposed of in accordance with established procedures.

3. Subject to the provisions of paragraph 2 this order is effective immediately in accordance with the following schedule as to small tract applications which conform in all respects with the provisions of this order and which were regularly filed prior to:

8 a. m., September 15, 1950, on SE¼NW¼ sec. 25, T. 20 S., R. 60 E., and on N½NW¼SW¼, SW¼NW¼SW¼, S½NE¼SW¼ sec. 24, T. 21 S., R. 61 E.,

10 a. m., January 17, 1952, on SW¼SW¼ sec. 11, T. 21 S., R. 60 E., and on Lot 7 sec. 6 and W½, W½SE¼ sec. 17, T. 22 S., R. 61 E.,

11 a. m., May 26, 1952, on E½NE¼ sec. 29, T. 22 S., R. 61 E., and

8 a. m., September 16, 1953, on all other lands listed in the first paragraph of this order.

4. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filing.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. No leases will be issued for lands described as lots in Column (1) of the schedule in paragraph 1 until special plats showing the official subdivision of these lots into tracts shall have been approved and filed in the Land and Survey Office, Reno, Nevada.

7. All of the lands will be leased and sold in tracts of the approximate area and dimensions shown in Columns (2) and (3) of the schedule in paragraph 1. Each tract will conform to and comprise an aliquot part of the existing official survey except where special subdivision is necessary to describe portions of irregular subdivisions as provided in paragraph 6.

8. Preference right leases referred to in paragraph 3 will be issued only if the lands described in the application conform to or are amended to conform to the area and dimensions specified in paragraph 7.

9. Business site leases will be issued for a period of five years at a minimum annual rental of $20.00 payable in advance for the entire period of the lease. Total annual rental will be determined at the end of each lease year based upon gross receipts of the business. Homesite leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised prices shown in Column (4) of the schedule in paragraph 1. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Reno, Nevada.

E. I. ROWLAND,
*Regional Chief,*
*Division of Lands.*

[F. R. Doc. 53-8583; Filed, Oct. 7, 1953; 8:49 a. m.]

ALASKA

NOTICE OF CORRECTION; SHORESPACE RESTORATION ORDER NO. 504

SEPTEMBER 22, 1953.

The notice of correction, dated August 27, 1953, to Shorespace Restoration Order No. 504 is hereby corrected as follows:

The erroneous date of October 23, 1952, which was inadvertently attributed to Alaska Shorespace Restoration Order No. 504, is hereby corrected by substituting therefor July 23, 1953, so that the first paragraph now reads as follows: "Alaska Shorespace Restoration Order No. 504 of July 23, 1953 is hereby corrected as follows:"

FRED J. WEILER,
*Chief,*
*Division of Land Planning.*

[F. R. Doc. 53-8598; Filed, Oct. 7, 1953; 8:52 a. m.]

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[Doc. 12, Region II]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

SEPTEMBER 29, 1953.

Pursuant to Determination No. DA-650-California of April 1, 1947, which, with respect to certain lands, vacated the withdrawal of April 8, 1938, for proposed Project No. 1455 under the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F R. 5641) it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the E½SE¼ Section 12, T. 10 N., R. 8 E., M. D. M., comprising 80 acres, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways, or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

The land under consideration is rough, broken, nonagricultural land which is primarily suitable for grazing. This land will not be subject to occupancy or disposition until it has been classified, and it is unlikely that it will be classified as suitable for homestead, desert land or small tract use.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m., P s. t., on the 91st day after the date of its publication in the FEDERAL REGISTER. At that time the above-described land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from this office.

L. T. HOFFMAN,
*Regional Administrator.*

[F. R. Doc. 53-8579; Filed, Oct. 7, 1953; 8:48 a. m.]

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[Doc. 13, Region II]

CALIFORNIA

RESTORATION OF RECLAMATION WITHDRAWN LANDS TO MINERAL ENTRY

SEPTEMBER 29, 1953.

Pursuant to a determination by the Bureau of Reclamation under the act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154) and in accordance with the authority delegated by the Director, Bureau of Land Management, in section 2.22 (5) of Order No. 427 dated August 16, 1950 (15 F R. 5639) it is ordered as follows:

Subject to valid existing rights, provisions of existing withdrawals and the following stipulations and reservations the lands described below so far as they are withdrawn for reclamation purposes are hereby restored to location, entry and patent under the mining laws.

T. 15 S., R. 24 E., S. B. M.,
Sec. 8, Lots 2, 3 and S½NW¼—withdrawn July 30, 1929, under the Reclamation Act and October 20, 1931, in connection with the Colorado River Storage Project.
T. 18 N., R. 7 W., M. D. M.,
Sec. 34, All
Sec. 35, W½ and SW¼SE¼—located within Mendocino National Forest and withdrawn July 21, 1913, in connection with the Orland Reclamation Project.

With respect to the lands described in T. 15 S., R. 24 E., S. B. M., it is stipulated that "in carrying on the mining and milling operations contemplated under the terms of this restoration, the locator will, by means of substantial dikes or other adequate structures, confine all tailings, debris and harmful chemicals in such a manner that the same shall not be carried into the Colorado River bottom lands by storm waters or otherwise."

With respect to the lands above described in T. 18 N., R. 7 W., M. D. M., California, it is further stipulated that "the mining or attendant land use connected therewith be such as to protect the Orland Project works from the adverse effects of accelerated drainage, contamination, mining debris and damage to the scenic or recreational attractions and, further, to provide that the United States shall not be obligated to maintain any required water level or range of water levels in Big Stony Creek to protect the mining or other interest or mine drainage."

With respect to all of the lands in this order, it is further stipulated that "there is reserved to the United States, its agents and employees, at all times, free ingress to, passage over, and egress from all of the above-described lands for purpose of inspection; there is further reserved to the United States, its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate and maintain canals, dikes, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, including the right to take and remove construction materials therefrom without obligation to make payment therefor by the United States or its successors, with the agreement on the part of the locator that, if the construction of any or all of such above-described works across, over or upon said lands or the removal of construction materials therefrom should be made more expensive by reason of the existence of any improvements or workings of the locator thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the locator for payment of any such sums, the locator will make payment thereof to the United States or its successors constructing said works or removing construction materials therefrom; the locator further agrees that the United States, its officers, agents and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any of the facilities hereinabove enumerated."

The substance of the above stipulations and reservations shall be incorporated in any mineral patent which may subsequently issue for the lands described hereinabove.

This order shall not otherwise become effective to change the status of these lands until 10:00 a. m., P. s. t., on the 31st day after the date of its publication in the FEDERAL REGISTER.

L. T. HOFFMAN,
*Regional Administrator.*

[F. R. Doc. 53-8580; Filed, Oct. 7, 1953; 8:48 a. m.]

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[Doc. 14, Region II]

NEVADA

AIR NAVIGATION SITE WITHDRAWALS NOS. 6 AND 220; REDUCED

SEPTEMBER 29, 1953.

Pursuant to authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214), and in accordance with Delegation Order No. 427, section 2.22 (a) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641) it is ordered as follows:

Departmental Orders No. 6 of August 13, 1928, and No. 220 of October 7, 1944, withdrawing certain lands in Nevada for use by the Civil Aeronautics Administration of the Department of Commerce in maintenance of air-navigation facilities are hereby revoked so far as it affects the following described lands, and these

lands are hereby opened to disposition under applicable public land laws, subject to valid existing rights and provisions of existing withdrawals.

MOUNT DIABLO MERIDIAN, NEVADA

T. 28 N., R. 40 E.,
Section 8, SW¼NW¼, containing 40 acres.
T. 2 N., R. 44 E.,
Section 32, NW¼NW¼SE¼, containing 10 acres.

The above-described land in T. 28 N., R. 40 E., M. D. M., was formerly a blinker site withdrawn under Order No. 6 and is a tract of rough, mountainous, nonagricultural land which is chiefly suitable for grazing. The land in T. 2 N., R. 44 E., M. D. M., was formerly an outer marker site for an instrument landing system withdrawn under Order No. 220 and is a relatively level tract of land which is unsuitable for agricultural purposes because it lacks an available supply of water for irrigation, rendering it chiefly suitable for grazing. None of the lands in this order will be subject to occupancy or disposition until classified, and it is unlikely that either tract will be classified as suitable for homestead, desert land or small tract use.

Both tracts of land are in grazing districts. Therefore, this order shall become effective immediately as to the administration of grazing on them by the Bureau of Land Management but shall not otherwise become effective to change the status of the lands until 10:00 a. m., P. s. t., on the 31st day after the date of its publication in the FEDERAL REGISTER. At that time the land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the period during which and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager of the Bureau of Land Management Land and Survey Office, 322 Post Office Building, Reno, Nevada.

L. T. HOFFMAN,
*Regional Administrator*

[F. R. Doc. 53-8581; Filed, Oct. 7, 1953; 8:49 a. m.]

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[Doc. 15, Region II]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

SEPTEMBER 29, 1953.

Pursuant to Determination No. DA-653–California of June 27, 1950, which, with respect to certain lands, vacated the withdrawal of November 9, 1922, for proposed Project No. 210 under the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U. S. C. 818) as amended, and in accordance with section 2.22 (a) (4) of Order No. 427 of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the SE¼SW¼ and the SW¼SE¼ Section 30, T. 1 S., R. 19 E., M. D. M., comprising 80 acres in the Stanislaus National Forest, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under appropriate public land laws affecting lands reserved for National Forest purposes subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of the land until 10:00 a. m., P. s. t., on the 91st day after the date of its publication in the FEDERAL REGISTER.

L. T. HOFFMAN,
*Regional Administrator*

[F. R. Doc. 53-8582; Filed, Oct. 7, 1953; 8:49 a. m.]

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NEW MEXICO

NOTICE OF PROCEDURES FOR CONDUCTING OF ADVISORY BOARD ELECTION, NEW MEXICO GRAZING DISTRICT NO. 3

SEPTEMBER 30, 1953.

Pursuant to the authority delegated to me by order of the Secretary of the Interior dated September 14, 1953, 18 F. R. 5631, new procedures as hereinafter specified are hereby prescribed for conducting of advisory board election, New Mexico Grazing District No. 3, for the calendar year 1953, notwithstanding the provisions of 43 CFR 161.12:

1. *Nomination meetings.* The Regional Administrator, Region 5, will designate one or more nomination meeting places within or near the grazing district. The district Range Manager will give notice of the time and place of each nomination meeting by mail to each licensee or permittee, by publication in one or more newspapers of general circulation in the grazing district, and by posting in the office of the Regional Administrator and in the office of the Range Manager and in such other public places as he may deem necessary to give the matter proper publicity. No election shall be held to be invalid by reason of failure to give any of the foregoing notices unless it shall be made to appear that there was a failure to give substantial notice.

2. *Nominations.* The electors assembled at the nomination meeting will select from the qualified electors of the district one or more candidates for each position to be filled. The candidates selected must be qualified to represent the precinct and class of livestock for which they are selected. Nominations will be made by qualified electors in the district.

3. *Method of voting; judges.* Within 15 days following the nomination meetings the district Range Manager will select three qualified electors to serve as judges during the counting of the ballots and will prepare ballots listing the names of the candidates selected at the nomination meetings, providing adequate space for write-in candidates. A ballot, together with necessary instructions, including a deadline date for return, will be mailed to each qualified elector in the district along with two envelopes for return of the marked ballot, the inner envelope to remain unmarked and contain the ballot while the outer envelope will bear the signature of the voter for the purpose of checking the qualifications of the voter against the registration list which will be compiled by the district Range Manager. Proxies wil not be recognized.

4. *Election, results; ties; judges' certificate.* At a time and place designated by the Range Manager the election judges will check the eligibility of each voter by comparing the name on the outer return envelope with the registration list, after which the judges will place the inner envelope containing the ballot in the ballot box. Ballot boxes will be opened by the judges in the presence of the district Range Manager or his representative and the votes counted. In the case of a tie vote a choice by lot shall be made by the judges. As soon as the ballots have been counted the judges shall make out a certificate of returns under their hands, stating the number of votes cast, the number of excess, unused or spoiled ballots, and, in both words and figures, the number of votes received by each candidate. The certificate, together with the ballots and the registration list of voters, shall be enclosed and sealed and forthwith delivered to the representative of the Bureau of Land Management in charge of the election.

E. R. SMITH,
*Regional Administrator*

[F. R. Doc. 53-8574; Filed, Oct. 7, 1953; 8:47 a. m.]

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## Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH ALASKA COMMUNICATION SYSTEM[1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be

[1] See Title 43, Chapter I, Appendix, PLO 916, *supra*.

filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

ORME LEWIS,
*Assistant Secretary of the Interior*

OCTOBER 1, 1953.

[F. R. Doc. 53-8578; Filed, Oct. 7, 1953; 8:48 a. m.]

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CALIFORNIA

ORDER RESTORING FORMER RAILROAD GRANT LAND TO PUBLIC DOMAIN

Claims to the public lands in the State of California within the limits of the grants made to the California and Oregon Railroad Company by the act of July 25, 1866 (14 Stat. 239) to the Central Pacific Railroad Company by the acts of July 1, 1862 (12 Stat. 489) and July 2, 1864 (13 Stat. 356) and to the Southern Pacific Railroad Company by the acts of July 27, 1866 (14 Stat. 292) and March 3, 1871 (16 Stat. 573) and acts amendatory thereof and supplemental thereto have been released under section 321b, Part II, Title III of the Transportation Act of 1940 (54 Stat. 954, 49 U. S. C. sec. 65) by the beneficiaries of the grants. Subject to existing withdrawals and reservations, all of the lands, claims to which were released, located within the primary limits of the grants and in the indemnity limits for which selections were pending on September 18, 1940, are hereby made available for disposal, use and management under the public land laws in accordance with the terms of this order.

Applications for these lands under the homestead, small tract and desert-land or other non-mineral public land laws will be allowed only if the land is classified pursuant to the application as valuable or suitable for the type of disposition applied for or has been previously so classified.

The lands restored include but are not limited to the following described tracts.[1]

MT. DIABLO MERIDIAN

T. 1 N., R. 1 E.,
Sec. 3, SW¼.
T. 29 S., R. 33 E.,
Sec. 11, SW¼NW¼, SW¼NE¼, N½SW¼, SE¼SW¼.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the appropriate land office at either Sacramento or Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the managers of the land offices at Sacramento and Los Angeles, California.

ORME LEWIS,
*Assistant Secretary of the Interior.*

OCTOBER 1, 1953.

[F. R. Doc. 53-8575; Filed, Oct. 7, 1953; 8:47 a. m.]

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MONTANA

ORDER RESTORING RAILROAD GRANT LAND TO PUBLIC DOMAIN

Claims to the public lands in the State of Montana within the limits of the grant made to the Northern Pacific Railroad, now Railway Company by the act of July 2, 1864 (13 Stat. 365) and joint resolution of May 31, 1870 (16 Stat. 378) and acts amendatory thereof and supplemental thereto have been released under section 321b, Part II, Title III of the Transportation Act of 1940 (54 Stat. 954, 49 U. S. C. sec. 65) by the beneficiary of the grant. Subject to existing valid rights and existing Forest and Indian and all other existing withdrawals and reservations, all of the lands, claims to which were released, located within the primary limits of the grant and in the indemnity limits for which selections were pending on September 18, 1940, are hereby made available for disposal, use and management under the public land laws in accordance with the terms of this order.

Applications for these lands under the homestead, small tract and desert-land or other non-mineral public land laws will be allowed only if the land is classified pursuant to the application as valuable or suitable for the type of disposition applied for or has been previously so classified.

The lands restored include but are not limited to the following described tracts.[1]

PRINCIPAL MERIDIAN, MONTANA

T. 5 N., R. 3 E.,
Sec. 31, lots 1 to 6, incl., NE¼SW¼, E½NW¼, W½NE¼.
T. 11 N., R. 9 E.,
Secs. 19, lots 1, 2, 3, NE¼NE¼, W½NE¼, W½SE¼, E½NW¼, E½SW¼.
T. 3 N., R. 30 E.,
Sec. 23, lots 10, 11.
T. 6 N., R. 40 E.,
Sec. 23, lot 4.
T. 8 N., R. 51 E.,
Sec. 23 (unsurveyed island).
T. 5 N., R. 52 E.,
Sec. 11 (unsurveyed island).
T. 13 N., R. 52 E.,
Sec. 25, lots 10, 11, 12.

[1] No effort has been made in this order to describe each and every tract affected since it is recognized that errors in compiling the descriptions might well arise which would make the list incomplete. The descriptions given are for information and do not necessarily cover all of the lands restored. A previous order restoring certain other released railroad grant lands in California was issued under date of April 14, 1953.

[1] No effort has been made in this order to describe each and every tract affected since it is recognized that error in compiling the descriptions might well arise which would make the list incomplete. The descriptions given are for information and do not necessarily cover all of the lands restored.

T. 13 N., R. 53 E.,
Sec. 13, lots 7, 8,
Sec. 29 (unsurveyed island),
Sec. 31, lot 8.
T. 13 N., R. 54 E.,
Sec. 7, lots 9, 10.
T. 15 N., R. 55 E.,
Sec. 3 (unsurveyed island),
Sec. 27, lots 1, 2, 3, 4, 5, 6, E½SE¼.
T. 16 N., R. 56 E.,
Sec. 5, (unsurveyed island).
T. 5 N., R. 57 E.,
Sec. 9, NW¼SE¼.
T. 15 N., R. 57 E.,
Sec. 5, lot 2, SE¼NW¼, SW¼NE¼.
T. 18 N., R. 57 E.,
Sec 11 (unsurveyed island),
Sec. 21 (unsurveyed island).
T. 14 N., R. 58 E.,
Sec. 9, S½.
T. 21 N., R. 58 E.,
Sec. 27 (unsurveyed island).
T. 5 N., R. 61 E.,
Sec. 3, SE¼NE¼, NW¼SE¼.
T. 6 N., R. 1 W.,
Sec. 25, all.
T. 17 N., R. 1 W.,
Sec. 7, lot 4, NE¼NW¼, NW¼NE¼.
T. 5 N., R. 2 W.,
Sec. 1, lot 4,
Sec. 9, S½NW¼, SW¼NE¼, W½SE¼, SW¼,
Sec. 17, E½SW¼, SW¼SW¼, SW¼SE¼, N½SE¼, N½NE¼, SE¼NE¼.
T. 17 N., R. 2 W.,
Sec. 19, lots 1 to 5 incl., S½NE¼, SE¼NW¼.
T. 20 N., R. 2 W.,
Sec. 21, NW¼NW¼.
T. 10 N., R. 3 W.,
Sec. 31, lot 10.
T. 20 N., R. 3 W.,
Sec. 5, NW¼SW¼.
T. 5 N., R. 4 W.,
Sec. 13, lot 3 S.
T. 9 N., R. 7 W.,
Sec. 1, lots 20, 21.
T. 18 N., R. 7 W.,
Sec. 7, lots 2, 3, 4, SE¼NW¼, E½SW¼, SE¼.
Sec. 9, lot 2, SW¼, NE¼SW¼, S½NW¼.
Sec. 15, lots 2, 3, 5, 6, SE¼SW¼, S½SE¼.
Sec. 17, 19, 21.
Sec. 23, NW¼NW¼.
Sec. 25, lots 1 to 8, incl.
Sec. 27, N½, NW¼SW¼, NE¼SE¼, S½SE¼, SW¼SW¼.
Sec. 29, 31.
Sec. 33, lots 1, 2, 3, 4, S½N½, N½S½.
T. 3 N., R. 8 W.,
Sec. 25, lots 11, 14, 15, 16, 17.
T. 3 N., R. 9 W.,
Sec. 17, lots 1, 2, 3, 12, 13, 14, 15, 16, 17, 18, SE¼NW¼,
Sec. 19, lots 1, 2, 3, 4, NE¼, E½NW¼, SE¼SE¼, N½SE¼, E½SW¼,
Sec. 29, lot 1, SE¼NE¼, SE¼, N½SW¼, SE¼SW¼.
T. 8 N., R. 13 W.,
Sec. 17, SE¼NE¼, E½SE¼.
T. 13 N., R. 17 W.,
Sec. 31, lots 6, 7, N½SE¼.
T. 26 N., R. 20 W.,
Sec. 3, lot 1.
T. 10 S., R. 1 W.,
Sec. 1, lot 3, SE¼NW¼, E½SW¼,
Sec. 13, NW¼, SE¼.
T. 6 S., R. 2 W.,
Sec. 5, lot 13.
Sec. 7, NE¼NE¼, S½NE¼, N½SE¼.
T. 7 S., R. 2 W.,
Sec. 3, All.
Sec. 5, lots, 1, 2, 3, S½SW¼.
Sec. 7, lots 1, 2, NE¼NW¼, SE¼SE¼.
Sec. 9, NE¼, SE¼NW¼, SW¼NW¼.
Sec. 11, lots 1 to 8 incl.
Sec. 15, SW¼NW¼, NW¼SW¼.
Sec. 23, lots 1, 2, 3, 4, 5, 6, 8.
T. 2 S., R. 6 W.,
Sec. 31, lots 1, 2, E½NW¼, NE¼.
T. 2 S., R. 8 W.,
Sec. 5, lots 1 to 14, incl., S½SE¼.
Sec. 7, lots 1 to 10 incl., NW¼NE¼, E½NE¼, E½SE¼, NE¼SW¼.
Sec. 9.
Sec. 11, lots 1 to 12 incl., W½SE¼, S½SW¼.
Secs. 15, 17.
Sec. 19, lots 1, 2, 3, 4, 5, 7, E½NW¼, S½SE¼NE¼SE¼, NE¼SE¼NE¼SE¼, N½NW¼SE¼, NW¼SW¼NW¼SE¼, N½N½NE¼SE¼, S½ of lot 6, S½NE¼ of lot 6, NE¼NE¼ of lot 6, SE¼NW¼ of lot 6, S½NW¼NE¼SE¼.
Sec. 21, Lots 1, 2, N½, N½S½, SW¼SW¼, SE¼SE¼.
Secs. 29, 33.
T. 4 S., R. 8 W.,
Sec. 3, lots 1 to 6 incl., SW¼NE¼, W½SE¼, S½NW¼, SW¼.
T. 1 S., R. 9 W.,
Sec. 1.
Secs. 11, 13, 15.
T. 1 S., R. 9 W.,
Sec. 23, lots 1, 2, 3, N½SW¼, N½, SE¼SE¼.
Sec. 25, lots 1, 2, N½, E½SW¼, SE¼.
Sec. 27, lots 1 to 6 incl., NW¼, W½NE¼, N½SW¼, SW¼SW¼.
Sec. 33, lot 1, NE¼SW¼.
Sec. 35.
T. 2 S., R. 9 W.,
Sec. 1, lots 1 to 9 incl., S½NW¼, W½SW¼, SE¼NE¼.
Sec. 5, lots 3, 4, S½N½, S½.
Sec. 9, all.
Sec. 15, lots 4, 5, NW¼.
Sec. 17, W½NW¼, SE¼NW¼, SW¼NE¼, E½NE¼, S½.
T. 1 S., R. 10 W.,
Sec. 7, all.
Sec. 13, lots 1, 2, 3, 4, 5, N½SE¼, SE¼SE¼.
T. 2 S., R. 10 W.,
Sec. 11, N½, SE¼, N½SW¼.
T. 1 S., R. 10 E.,
Sec. 25, lot 1.
T. 1 S., R. 12 E.,
Sec. 15, lot 7.
T. 2 S., R. 24 E.,
Sec. 13, lots 10, 11.
Sec. 23, lot 13.
T. 2 S., R. 25 E.,
Sec. 5, lots 11, 12.
T. 1 S., R. 26 E.,
Sec. 11, lot 8.
T. 3 S., R. 44 E.,
Sec. 33, lot 6.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the surveyed public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284) as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the land office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the manager, land office at Billings, Montana.

ORME LEWIS,
*Assistant Secretary of the Interior*

OCTOBER 1, 1953.

[F. R. Doc. 53-8576; Filed, Oct. 7, 1953; 8:47 a. m.]

## DEPARTMENT OF COMMERCE

### Bureau of Foreign and Domestic Commerce

[Case No. 146]

UNIVERSAL TRANSPORT CORP.

DECISION OF APPEALS BOARD

In the matter of Universal Transport Corporation, 15 Moore Street, New York 4, New York, respondent; On Appeal, Docket FC–16, O. I. T. Case No. 146.

This matter came before the Appeals Board by a letter of appeal dated February 18, 1953, by the Universal Transport Corporation from an order denying license privileges issued by the Office of International Trade, dated February 10, 1953 (O. I. T. Case No. 146, 18 F. R. 911) The proceeding was commenced by a charging letter dated March 31, 1952, issued by the Office of International Trade. In August and September 1952, an oral hearing was conducted by a Compliance Commissioner, and on February 5, 1953, the Commissioner made his report and recommendations, following which the order denying license privileges was issued. The letter of appeal was followed by a brief submitted in support of the appeal, dated March 11, 1953. The appeal was argued orally before the Board on July 22 and 23, 1953. The record on the appeal is voluminous.

The facts are substantially as follows:

On February 23, 1950, an Order Suspending License Privileges was issued against Jack Koopman, Irving N. Wolfson, Compania Norte Americana, Berwin Trading Company, Inc., Jack Koopman Company, Inc., and all persons, firms, corporations and business associations then or thereafter related to them by ownership, control or otherwise in the conduct of export trade. The order denied to them the privileges of obtaining or using or participating directly or indirectly in the obtaining or using of validated export licenses for a period of three months from that date, and also revoked all export licenses in their names or held by them.

Since June 1, 1949, and at the time of the issuance of the said order suspending license privileges, Koopman and Wolfson controlled and operated a firm known as Royal Industrial Company in the conduct of their export business. Any export licenses issued to Royal Industrial Company or held by it were in fact held by Koopman and Wolfson within the meaning of the order. Prior to the issuance of the suspension order of February 23, 1950, and for some time thereafter, Koopman and Wolfson effectively concealed from the Government the fact of their relationship to Royal Industrial Company.

On February 21, 1950, two days before the issuance of the order suspending licensing privileges, an export license was issued to Royal Industrial Company authorizing the exportation of 35,000 lbs. of aluminum roofing sheets to a consignee in the Philippine Islands. By the terms of the order of February 23, 1950, said license was revoked and should have been surrendered to the Office of International Trade. However, Koopman and Wolfson did not surrender the license but proceeded to export under the purported authority thereof about 6,000 lbs. of the aluminum sheets in violation of the suspension order.

They engaged Universal Transport Corporation, their regular freight forwarder, to handle this shipment, and on February 28, 1950, Universal received Wolfson's instructions for that purpose and the export license to be filed with the Collector of Customs. Thereupon, Universal took all the steps necessary to effectuate such export, and the goods left the United States from San Francisco on or about March 9, 1950. For such services, the appellant Universal received a fee of about $10.

The entire transaction was handled on behalf of Universal only by Manfred Joel, its traffic manager. The questions of knowledge hereafter discussed, therefore, consist of an examination of whether Joel himself had the essential knowledge which should have caused him to act to refuse the business or to prevent the export. To hold that the charge against the appellant Universal is proven, it is necessary to find, as the Compliance Commissioner stated, (a) that Royal Industrial Company was related to the Koopman-Wolfson group within the terms of the suspension order of February 23, 1950, (b) that Joel knew this, (c) that Joel knew that the group had been suspended from export privileges during the period February 28 to March 9, 1950, and (d) that with such knowledge he performed the acts which resulted in the exportation in Royal's name during the period of suspension.

There is no question that Royal Industrial Company was related to the Koopman-Wolfson group within the terms of the order. The Board also finds that Joel had knowledge of such relationship between Royal and the Koopman-Wolfson group. However, considering the record as a whole and weighing all the evidence, the Board concludes that there is not substantial evidence to support the finding contained in the order that Joel had knowledge of the suspension order during the period February 28 to March 9, 1950.

The record shows that on September 20, 1951, some eighteen months after completion of the transaction, Joel was called to the New York office of the Department of Commerce and was there interviewed by two investigators of the Office of International Trade. One of the investigators, unfamiliar with the essential facts in the case, made notes of this interview. Government Exhibit No. 39b is the original of these pencilled notes insofar as they concern this case.

By agreement between counsel for the government and the appellant, the Compliance Commissioner admitted the original notes into evidence. The notes provide the only evidence of what occurred at the interview apart from the memory of the individuals themselves. The Compliance Commissioner laid great stress upon the notes and considered them as substantiating the testimony of the investigators. The Board similarly considers the notes as important, but taking them into account with the contradictory evidence noted hereinafter, does not draw the same inference and conclusion as was reached in the report and order.

The finding that Joel had knowledge of the suspension order was based on Joel's alleged admissions of September 20, 1951, to the OIT investigators. The government's evidence consisted of the testimony of the investigator who asked Joel the questions and the written notes which were taken by his fellow investigator of that part of the interview. With respect to the issue of Joel's knowledge of the suspension during the critical period, the investigator's notes are that Joel stated: "Yes, I knew that they (Berwin Trading Company) were suspended"; "Mr. Wolfson told me when he was suspended"; and "I thought only Berwin was suspended and not Koopman or Royal." In order to support the government's position, it is necessary to interpret these statements as meaning that Wolfson told Joel of the fact of his and Royal's suspension between February 28 and March 9, 1950.

The investigator who did the questioning and who was familiar with the details of the case testified that the first answer of Joel set forth above was in response to his question whether Joel handled this transaction knowing of the suspension order. He also testified with respect to the second Joel answer that he asked Joel how he knew they were suspended, and with respect to the third answer that he asked why Joel handled the transaction knowing Berwin and Wolfson were suspended. However, these questions of the investigator were not contained in the notes, nor did they contain a question which the investigator also testified that he asked Joel, namely, whether two letters which Joel wrote on February 28 and March 7, 1950 (to effect the exportation under the license) were written by him with the knowledge that Berwin and Wolfson were suspended. On this point, the notes merely state: "Joel shown letter dated March 7, 1950—yes, I wrote it. Joel shown letter dated February 28, 1950—yes, I wrote it."

Wolfson in his testimony denied speaking to anyone at Universal about the suspension order before March 9, 1950, and stated that he may have told Joel sometime later in March that he had been suspended. Joel testified that he did not know of the suspension at the time of the transaction in question but spoke to Wolfson about the order sometime after such transaction, most likely during the latter part of March. Joel denied that he had admitted to the investigators his handling of the export transaction with knowledge of the suspension. He testified that he had told the investigators, "I don't know what the importance of the date is, because even if Mr. Wolfson had told me about his suspension at the time the shipment was contracted I wouldn't have stopped handling it because to the best of my knowledge Royal Industrial Company was not covered by the suspension order for Jack Koopman Company and Berwin Trading."

The fragmentary notes, which comprise the only written evidence as to Joel's knowledge, are ambiguous. While they may be considered as supporting the testimony of the investigator who asked

the questions, it is just as reasonable to conclude, from the contradictory testimony of Joel, supported by the testimony of Wolfson, that there was some misunderstanding between Joel and the investigator concerning the specific questions and/or answers. The substance of the interview was never presented to Joel in the form of a statement or otherwise for his verification or signature. The Board finds it reasonable to interpret the notes to mean that Wolfson at some time while the order was in effect informed Joel of the fact of his suspension and the date thereof.

Accordingly, taking into account evidence which admits of different and conflicting interpretations, the contradictory evidence relative thereto, the other facts and circumstances, and notwithstanding the weight given to various factors by the Compliance Commissioner, the Board's assessment of the record as a whole, giving the appellant the benefit of very real doubts arising therefrom, is such that it does not find substantial evidence to conclude that Joel knew of the suspension during the February 28 to March 9 period.

However, the Board wishes to emphasize that forwarders, as well as exporters, are bound to exercise good faith with the government in the export transactions which they handle. Forwarders are responsible for maintaining a high standard of compliance with export control regulations and orders by reason of their public calling and Congressional recognition of their important role in facilitating exportations from the United States. Part of their compensation is for their responsible knowledge of export regulations and requirements thereunder. Their responsibility for making sure of the lawfulness of the transactions which they handle persists through all stages of each transaction on which they work. New information or changes in material facts affecting the lawfulness of an exportation which comes to a forwarder's attention, even after a shipment has left the United States, must be reported to the government, since, for example, a shipment already on the high seas may be stopped or ordered returned to the United States if discovered to be unlawful and, in any event, a transshipping consignee may be prevented from obtaining any more American commodities even if his activities do not come to the forwarder's attention until after the consignee has received and transshipped a particular commodity. This decision cannot, therefore, be taken as a precedent or as relieving any freight forwarder from being bound by suspensory or other regulatory orders or rules from the time they have or should have knowledge thereof.

The Appeals Board finds that:

1. Finding 11 and the opening phrase "Having such knowledge" in paragraph 12 of the order denying license privileges of February 10, 1953 are not supported by substantial evidence.

2. The provisions of the order denying license privileges are not appropriate.

*Now, therefore, it is ordered,* That the appeal of Universal Transport Corporation be granted and that the order denying license privileges, dated February 10, 1953, OIT Case No. 146, 18 F. R. 911, be, and it is, hereby vacated.

FREDERIC W OLMSTEAD,
*Chairman, Appeals Board.*

OCTOBER 2, 1953.

[F. R. Doc. 53-8593; Filed, Oct. 7, 1953; 8:51 a. m.]

## Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

NOTICE OF CANCELLATION OF AGREEMENT

Notice is hereby given that the Board by order dated September 22, 1953, approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916, as amended, 39 Stat. 733, 46 U. S. C. section 814.

Agreement No. 2297 between Matson Navigation Company, The Oceanic Steamship Company, Union Steam Ship Company of New Zealand, Ltd., and Canadian-Australasian Line, Ltd., provided that round trip passenger tickets issued by one party may be interchanged with the other parties in the trades (a) between U. S. and Canadian Pacific Coast ports and Suva, Fiji Islands and ports in Australia and New Zealand; and (b) between ports in Australia and Europe and around-the-world when sold abroad.

Interested parties may obtain copies of this agreement at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: October 5, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 53-8606; Filed, Oct. 7, 1953; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2239]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

OCTOBER 2, 1953.

Take notice that on September 3, 1953, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware Corporation, having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a meter station together with appurtenant equipment to be located on Applicant's main pipeline system near the town of Stanley, North Carolina, to provide an additional delivery point to Public Service Company of North Carolina, Inc. Such facilities would be utilized for the supplying of natural gas to the new manufacturing plant of Talon, Inc., now being constructed near the town of Stanley, North Carolina. All deliveries of natural gas which will be made from the proposed meter station will be volumes which Public Service Company of North Carolina, Inc., is entitled to receive under its service agreement with Applicant and within that portion of Applicant's system capacity allocated to Public Service in Docket No. G-1411. Initial delivery to the new manufacturing plant of Talon, Inc., is estimated to be approximately 250 Mcf per day and will increase to approximately 1,500 Mcf per day over the next five years. The sale herein involved will be made by Public Service Company of North Carolina, Inc. Such volumes of gas will be supplied to Talon, Inc., on a curtailable basis.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of October 1953.

The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-8496; Filed, Oct. 7, 1953; 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 30-129, 54-201, 59-6]

UNITED GAS IMPROVEMENT CO. ET AL.

NOTICE OF FILING OF APPLICATION FOR ORDER THAT APPLICANT HAS CEASED TO BE HOLDING COMPANY

OCTOBER 2, 1953.

In the matter of the United Gas Improvement Company, applicant; the United Gas Improvement Company and subsidiary companies, respondents; File Nos. 30-129, 54-201, 59-6.

Notice is hereby given that the United Gas Improvement Company ("UGI"), a registered public utility holding company, has filed an application under section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), requesting the Commission to declare by order that UGI has ceased to be a holding company and that its registration under the act has ceased to be in effect.

At the time of its registration on June 24, 1938 as a holding company under the act, UGI controlled about 39 public utility subsidiaries which operated electric facilities in eleven states and gas facilities in five states. In addition thereto it had approximately 41 non-utility subsidiaries and substantial investments in numerous other companies. Subsequent to its registration, UGI has, from time to time, through numerous divestments and plans filed under section 11 (e) of the act, reduced its system as of December 31, 1951 to nine subsidiaries, all of which are incorporated in Pennsylvania and conduct their operations entirely within that State.

By order dated September 18, 1952 (Holding Company Act Release No.

11495) the Commission approved a comprehensive plan filed by UGI under section 11 (e) of the act designed, among other things, to complete compliance by UGI and its system companies with the provisions of section 11 (e) of the act. The plan was divided into four parts and provided in substance for (1) the conversion of UGI into a Pennsylvania public utility company; (2) the merger into UGI of all its public utility subsidiaries and the dissolution of UGI's non-utility subsidiaries, with UGI remaining as the surviving and continuing corporation, conducting as one public utility operating company the utility operations then conducted by UGI's various subsidiaries in Pennsylvania; (3) the disposition by UGI of its securities in non-subsidiary companies (except a Note indebtedness of Delaware Coach Company) and (4) the seeking of an order pursuant to section 5 (d) of the act declaring that UGI had ceased to be a holding company. An application was made by the Commission to the District Court of the United States for the Eastern District of Pennsylvania, which Court entered its order on November 12, 1952 approving the plan and directing the enforcement and carrying out of certain of its terms and provisions.

UGI represents that it has fully complied with all outstanding orders issued by the Commission under the act, and has consummated all of the transactions provided in the plan, except for some comparatively minor exchanges of bonds and shares of stocks of three constituent companies to the merger in exchange for bonds and shares of stock of the surviving merged UGI, and the payment of certain of the fees and expenses incurred in connection with effecting the plan of reorganization.

UGI asserts that it has no subsidiaries and that it has ceased to be a holding company and today is a public utility operating company incorporated under the laws of the Commonwealth of Pennsylvania and doing business solely within such Commonwealth, is subject to the jurisdiction of the Pennsylvania Public Utility Commission and is, in part, a natural gas company subject to the jurisdiction of the Federal Power Commission under the provisions of the Federal Natural Gas Act.

UGI has, as a part of its application filed pursuant to section 5 (d) of the act, agreed and consented that the Commission's order to be entered herein shall be without prejudice to the jurisdiction reserved by the Commission's order dated September 18, 1952 issued in respect of UGI's comprehensive plan (File Nos. 30-129, 54-201, and 59-6) to the extent that the matters specified therein have not been disposed of.

Notice is further given that any interested person may, not later than October 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8584; Filed, Oct. 7, 1953; 8:49 a. m.]

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[File Nos. 31-611, 31-612]

DEWAR, ROBERTSON & PANCOAST AND SCHNEIDER, BERNET & HICKMAN

ORDER GRANTING TEMPORARY EXEMPTION

OCTOBER 2, 1953.

In the matter of Dewar, Robertson & Pancoast, File No. 31-611, Schneider, Bernet & Hickman, File No. 31-612.

Dewar, Robertson & Pancoast and Schneider, Bernet & Hickman, both of which are partnerships and registered broker-dealers, having filed applications requesting exemption for a period of one year from the provisions of the Public Utility Holding Company Act of 1935 ("act") for themselves and their subsidiary, Tyler Gas Service Company, a gas utility company; and

Due notice of the filing of said applications having been given and no hearing thereon having been ordered by or requested of the Commission, and the Commission having examined the said applications and the statements contained therein and having found that the applicable standards of section 3 (a) (1) of the act are satisfied and deeming it appropriate in the public interest and the interest of investors and consumers to grant the said applications:

*It is hereby ordered,* That the applications of Dewar, Robertson & Pancoast and Schneider, Bernet & Hickman be, and the same hereby are, granted.

*It is further ordered,* That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8588; Filed, Oct. 7, 1953; 8:50 a. m.]

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[File No. 54-188]

EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING AND ORDER GIVING OPPORTUNITY FOR HEARING ON APPLICATION TO ISSUE PROMISSORY NOTES

OCTOBER 2, 1953.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application seeking the approval of this Commission of the issuance by EUA to The First National Bank of Boston of $9,000,000 principal amount of promissory notes. Such notes will mature six months from October 19, 1953 and will bear interest at the prime rate in effect for such notes on October 19, 1953. It is stated that said prime rate is presently 3¼ percent. According to the application, the proposed notes may be prepaid in whole or in part without premium.

At the present time EUA has outstanding $9,094,000 of 2¼ percent promissory notes which were approved by this Commission in this proceeding by order dated October 1, 1952 and which renewed then outstanding notes in the same principal amount. EUA intends to pay off $94,000 of such bank indebtedness and, in effect, proposes to extend the remainder for six months at a different interest rate.

The proceeds from the original notes were used by EUA to purchase certain shares of capital stock of its subsidiary, Fall River Electric Light Company and to refund EUA's then existing indebtedness of $630,000. It is stated by EUA that $7,000,000 of the proposed notes will be retired with the proceeds from the sale of Collateral Trust Bonds and that the balance of the notes will be paid off from the proceeds derived from the sale of common stock.

*It is ordered,* That any interested person may, not later than October 15, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on EUA's application to refund its presently outstanding promissory notes, stating therein the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or submitted for consideration at any such hearing. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 15, 1953, the Commission may grant said application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8585; Filed, Oct. 7, 1953; 8:50 a. m.]

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[File No. 70-3065]

ARKANSAS POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

OCTOBER 2, 1953.

The Commission having by its orders of May 27 and June 11, 1953 granted the application of Arkansas Power & Light Company ("Arkansas") a subsidiary company of Middle South Utilities Inc., a registered holding company, filed pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding the issue and sale by Arkansas of $18,000,000 aggregate principal amount of its First Mortgage Bonds, 4¼ percent Series, due 1983, and having reserved jurisdiction over all legal fees and expenses, including fees and expenses of counsel for the underwriters, incurred or to be incurred in connection with the proposed transaction;

The record having been completed with respect to the legal fees and expenses consisting of $10,000 to be paid to Reid & Priest and $6,500 to House, Moses & Holmes, both counsel for the issuer, and $600 to Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for the indenture trustee, to be paid by Arkansas; and $8,000 to White & Case, counsel for the underwriters, to be paid by the successful bidders; and it appearing that such fees and expenses are not unreasonable:

*It is ordered,* That the jurisdiction heretofore reserved over all legal fees and expenses incurred or to be incurred in connection with the transaction be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8589; Filed, Oct. 7, 1953; 8:50 a. m.]

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[File No. 70-3073]

DERBY GAS & ELECTRIC CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

OCTOBER 2, 1953.

The Commission by order dated June 1, 1953, having permitted to become effective a declaration in respect of the issuance and sale by Derby Gas & Electric Corporation ("Derby") a registered holding company, of 47,039 shares of common stock without par value; and

The Commission in said order having reserved jurisdiction with respect to fees and expenses to be incurred in connection with the issue and sale of such stock because the record was incomplete in respect of such fees and expenses; and

The record having been completed in respect of such fees and expenses, which are listed by Derby as follows:

| | |
|---|---|
| Filing fee—Securities and Exchange Commission | $113.60 |
| Federal issuance stamp taxes | 1,522.73 |
| Fees of registrar (The Marine Midland Trust Co. of New York) | 400.00 |
| Services and expenses of New York transfer agent and warrant agent (Manufacturers Trust Co.) | 10,587.58 |
| Printing of warrants (Columbia Bank Note Co.) | 767.35 |
| Printing and preparation of registration statement, financial statements, prospectus, etc. (Twentieth Century Press, Inc.) | 7,431.06 |
| Fee of counsel (Simpson Thacher & Bartlett) | 10,000.00 |
| Expenses of counsel | 1,105.49 |
| Fee and expenses of auditors (Haskins & Sells) | 4,343.52 |
| Miscellaneous, including postage, telephone, telegraph charges, filing fees, traveling expenses, etc | 440.56 |
| Total | 36,711.89 |

The Commission having considered the record with respect to said fees and expenses, and it appearing that the same are not unreasonable:

*It is ordered,* That the jurisdiction heretofore reserved over fees and expenses be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8586; Filed, Oct. 7, 1953; 8:50 a. m.]

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[File No. 70-3138]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING REGARDING ISSUANCE OF SHORT-TERM PROMISSORY NOTES PAYABLE TO BANKS

OCTOBER 2, 1953.

Notice is hereby given that an application has been filed with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") by Appalachian Electric Power Company ("Appalachian") a subsidiary of American Gas and Electric Company ("American Gas") a registered holding company, regarding the issuance by Appalachian from time to time, prior to August 31, 1954, of its unsecured promissory notes evidencing the borrowings from seven banks in an aggregate amount not to exceed $23,000,000.

The notes to be issued by Appalachian will be dated in each case as of the date of the borrowing and will mature 270 days after the date of the issuance thereof. The notes are to bear interest from the date thereof at the current prime credit rate, which prime credit rate is presently 3¼ precent per annum. Any of said notes may be prepaid from time to time, in whole or in part, without premium. Partial payments will be made ratably on all of the notes on the date or dates designated by Appalachian.

Of the $23,000,000 proposed to be borrowed, Appalachian has, as of August 31, 1953, borrowed $14,000,000 from said banks, evidenced by unsecured notes, and expects to make an additional borrowing of not to exceed $1,000,000 prior to the effective date of this application. It is stated that these borrowings in the amount of $15,000,000 are exempted from the Commission's jurisdiction pursuant to the provisions of the first sentence of section 6 (b) of the act. It is indicated, however, that the aggregate amount of Appalachian's short-term note indebtedness outstanding at any one time will not exceed $23,000,000.

The proceeds from the presently outstanding notes have been and the proceeds from the issuance of the notes herein proposed will be, used by Appalachian to pay part of the cost of its construction program which, it is presently estimated, will amount to $44,042,000 in 1953 and $23,463,000 in 1954.

According to the applicant the proposed transaction is desired because it will supply Appalachian with cash to carry forward its present construction program pending financing of a more permanent nature. Any such plan will provide for the prepayment of Appalachian's then outstanding notes and Appalachian agrees that upon completion of such financing the authorization now being requested with respect to the notes shall terminate.

No fees or commissions are to be paid by Appalachian in connection with the issuance of the notes and it is estimated that expenses to be incurred will not exceed $500.

An application for authority to issue the notes has been filed with the State Corporation Commission of the State of Virginia and it is represented that a copy of the order to be issued will be supplied by amendment.

It is requested that the Commission's order granting the application be issued as soon as possible to facilitate the financing of Appalachian's heavy construction program.

Notice is further given that any interested person may, not later than October 15, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8587; Filed, Oct. 7, 1953; 8:50 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28520]

ALUMINUM ARTICLES BETWEEN POINTS IN OFFICIAL TERRITORY AND BETWEEN OFFICIAL TERRITORY AND ILLINOIS TERRITORY AND WISCONSIN

APPLICATION FOR RELIEF

OCTOBER 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by J. R. Wall, Agent, for carriers parties to schedule listed below.

Commodities involved: Aluminum angles, bars, cable, pipe, wire, and other articles named in appendix A of application, carloads.

Between: Points in official territory; also between points in official territory, on the one hand, and points in Illinois territory and points in extended zone C in Wisconsin, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers, to maintain grouping, rates based on short-line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, tariff I. C. C. No. 4577.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
*Acting Secretary.*

[F. R. Doc. 53-8594; Filed, Oct. 7, 1953; 8:52 a. m.]

[4th Sec. Application 28521]

WHEAT BETWEEN POINTS IN TEXAS AND BETWEEN LOUISIANA, ARKANSAS, AND NEW MEXICO AND TEXAS

APPLICATION FOR RELIEF

OCTOBER 5, 1953

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Lee Douglass, Agent, for carriers parties to his tariff listed below.

Commodities involved: Wheat and articles taking same rates, carloads.

Between: Points in Texas; also between Lorraine, La., Texarkana, Ark., and Texico, N. Mex., on one hand, and points in Texas on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: Lee Douglass, Agent, tariff I. C. C. No. 764, supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Acting Secretary.*

[F. R. Doc. 53-8595; Filed, Oct. 7, 1953; 8:52 a. m.]